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58TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 162.

ALASKAN BOUNDARY TRIBUNAL.

PROCEEDINGS

OF THE

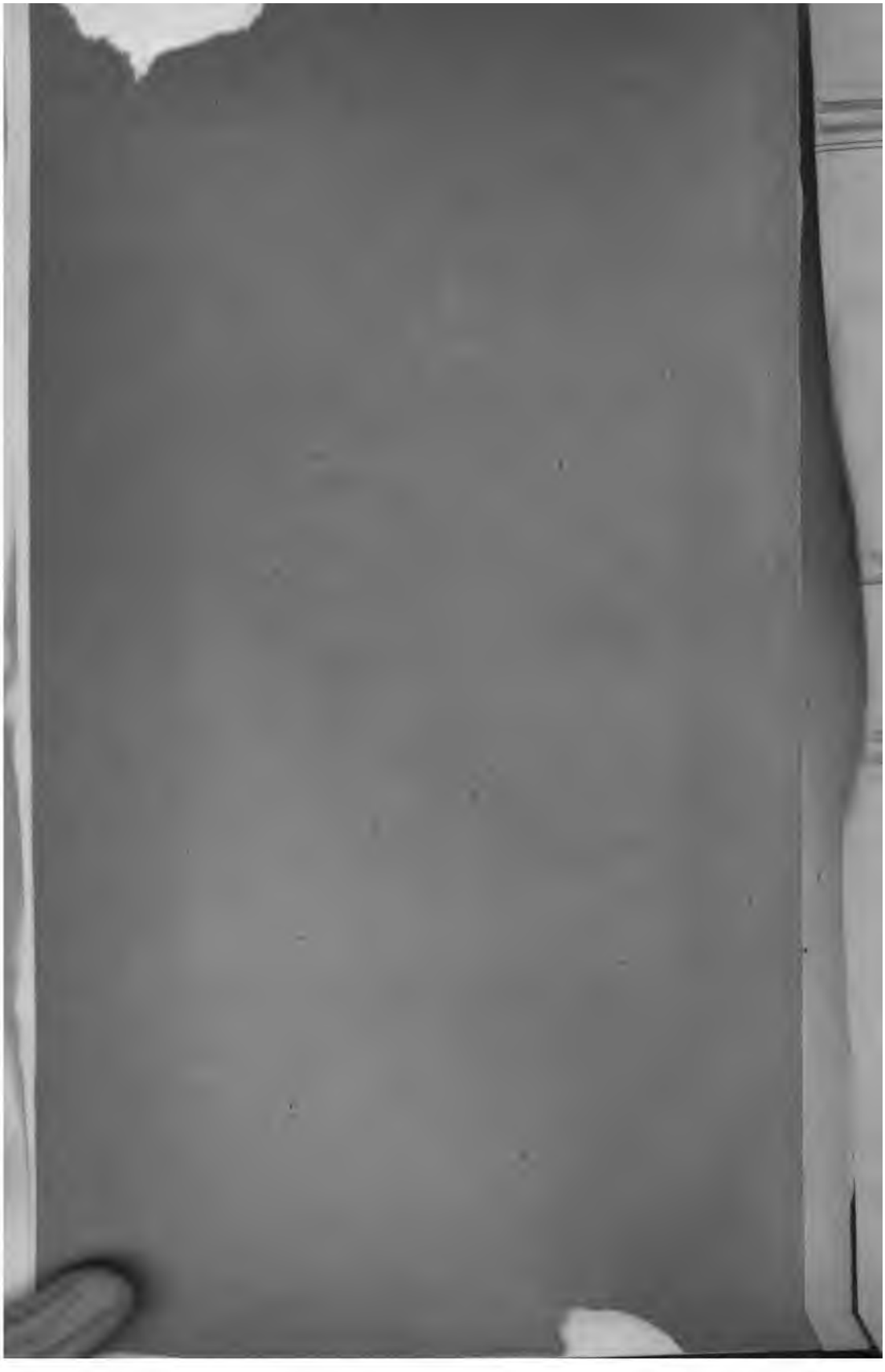
ALASKAN BOUNDARY TRIBUNAL,

CONVENED AT LONDON,

UNDER THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, CONCLUDED AT WASHINGTON, JANUARY 24, 1903, FOR THE SETTLEMENT OF QUESTIONS BETWEEN THE TWO COUNTRIES WITH RESPECT TO THE BOUNDARY LINE BETWEEN THE TERRITORY OF ALASKA AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

Vol. I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1904.



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LETTER OF TRANSMITTAL.

To the Senate and House of Representatives:

I transmit herewith a communication from the Acting Secretary of State covering the report of the agent of the United States before the Alaskan Boundary Tribunal, with appendices.

The attention of Congress is invited to the request of the Acting Secretary of State that 500 copies of the report and appendices be printed for the use of the Department of State.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 18, 1903.

LETTER OF SUBMITTAL.

The PRESIDENT:

The undersigned, the Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to Congress, the report of the agent of the United States before the Alaskan Boundary Tribunal.

I respectfully request that Congress authorize the printing of 500 copies of the report and appendices for the use of the Department of State.

Respectfully submitted.

FRANCIS B. LOOMIS,
Acting Secretary of State.

DEPARTMENT OF STATE,
Washington, December 17, 1903.

LIST OF ACCOMPANIMENTS.

1. Final report of Hon. John W. Foster, agent of the United States (with appendices).
2. United States case and appendix.
3. United States case atlas.
4. British case and appendix.
5. British case atlas.
6. United States counter case and appendix.
7. United States counter case atlas.
8. British counter case and appendix.
9. United States printed argument.
10. British printed argument.
11. Correspondence since treaty of January 24, 1903 (pamphlet).
12. Oral argument before tribunal.

FINAL REPORT OF THE AGENT OF THE UNITED STATES.

ALASKAN BOUNDARY TRIBUNAL,
AGENCY OF THE UNITED STATES,
London, October 24, 1903.

SIR: I have the honor to submit my report as agent of the United States before the Alaskan Boundary Tribunal, organized in accordance with the provisions of the treaty of January 24, 1903, between the United States and Great Britain, for the settlement of questions between the two countries with respect to the boundary line between the Territory of Alaska and the British possessions in North America.

The treaty, the ratifications of which were exchanged March 3, 1903, required that the case of each of the two parties, accompanied by the documents, the official correspondence, and all other evidence in writing or print on which each party relied, should be delivered to each member of the Tribunal and to the agent within a period not exceeding two months from the date of the exchange of ratifications of the convention. Notwithstanding the limited time allotted for the preparation of the case, it was completed within the period fixed. The time for delivery under the treaty expired on July 3, 1903, but as that day fell on Sunday it was agreed that delivery might be made on the 2d, and that delivery of the British case at the United States embassy in London, and of the American case at the British embassy in Washington, would be accepted as a compliance with the requirement of the treaty as to delivery to the members of the Tribunal and the respective agents. The cases of the two Governments were accordingly exchanged in the manner indicated.

The treaty creating the Tribunal provided that the members constituting it should be immediately appointed, and that they should assemble for their first meeting at London as soon as practicable after receiving their commissions, and should themselves fix the times and places of all subsequent meetings. Soon after the treaty

went into effect the Secretary of State suggested to the British ambassador in Washington that, in order to save trouble and the waste of time involved by two journeys across the Atlantic, the purpose of the convention might be considered as complied with by the presentation of the cases and counter cases, without an actual meeting of the Tribunal in London. This suggestion was accepted by the British secretary of state for foreign affairs, with the added provision of the exchange of the printed argument before the first meeting of the Tribunal.

Under date of May 15, 1903, the British agent communicated to me a letter stating that a preliminary examination of the case of the United States made it clear that it would be impossible to prepare a counter case for Great Britain within the period of two months fixed by the treaty, and he suggested that an extension of two months should be given. The letter of the British agent was received by me on May 25, and on the same date I sent him a cablegram stating that it would be impossible for the American members of the Tribunal to consent to the extension of two months for the counter case because of their official engagements.

In a note dated June 12 the British ambassador informed the Secretary of State that his Government strongly supported the application of the British agent for the two months' extension of time for the counter case, and that it would be glad to learn that the application was agreed to by the United States. The Secretary of State replied that under the treaty an extension of time was only contemplated when it was shown that it became necessary by reason of special difficulties which should arise in the procuring of additional papers and evidence for the counter case, and that the existence of special difficulties had not been shown nor alleged.

The application for an extension of time was accompanied by a notice on the part of the British agent for the production, under paragraph 4 of article 2 of the treaty, of a list of documents in the case of the United States which embraced practically all of that case except such papers as were found in the British case or in British publications, and it was stated that the British agent desired to examine or take photographs of the originals of these documents.

The answer of the United States to this application was that the treaty did not provide for either the production or examination of original papers by the agent of the other party upon his own request,

nor for permission to photograph any papers; that it was not in consonance with the usual practice in international arbitrations, being a demand for the examination and photographing of almost the entire body of evidence submitted in the case of the United States, except that which had been obtained from British sources and been published, and without alleging any reason for such a sweeping examination; that such an application would hardly be approved by the Tribunal, if in session; but that, nevertheless, the United States, desirous of affording every proper means of verifying anything relied upon by it in its case, would take pleasure in giving the British agent or his duly authorized representative an opportunity to examine and verify the originals in its possession of anything contained in the case of the United States.

Accordingly the British agent sent a representative to Washington, and the examination asked for was made by him during the month of July. Certified copies of the Russian and French texts of documents, of which translations were printed in the case of the United States, were likewise forwarded to the British agent in London.

The counter cases of the two Governments were exchanged, in conformity with the terms of the treaty, on July 3, 1903, through the respective embassies, as was done in the case of each Government.

Under date of August 10 an application was made by the British embassy in behalf of the British agent for an inspection and photographing of documents in the United States counter case similar to that before made respecting the case. As the documents were then in process of shipment to London, a reply was sent that on arrival in that city the desired inspection would be granted. On August 31 a note was sent by me to the British agent that the documents were then open to his inspection at the rooms of the United States agency in London. But no inspection took place of the documents in the counter case, and no reference was ever made to the inspection had in Washington, either in the British printed argument or in the proceedings before the Tribunal. Copies of the correspondence between the two Governments relating to the extension of time and the examination of documents, as well as to other matters connected with the Tribunal, accompany this report.

The printed argument of counsel on behalf of the United States and of Great Britain was exchanged on September 2, 1903. And in accordance with an understanding reached between the two Governments,

the Tribunal held its first meeting in the reception room of the British foreign office in London on Thursday, September 3. At this meeting it was determined that the oral argument should be opened by the British counsel and closed by the counsel of the United States, and that during the argument the sessions of the Tribunal should be public.

A recess was taken until Tuesday, September 15, when the oral argument was begun, Sir Robert B. Finlay, the attorney-general of England, opening. He was followed by David T. Watson, esq., for the United States; by Mr. Christopher Robinson, K. C., for Great Britain; Hon. Hannis Taylor for the United States; Sir Edward H. Carson, solicitor-general of England, for Great Britain, and Hon. Jacob M. Dickinson closing for the United States. Eighteen days were consumed in the oral argument, ending on October 8, when the Tribunal closed the public sessions and entered upon its private deliberations.

On Tuesday, October 20, 1903, the Tribunal concluded its labors by delivering to the agents of the two Governments its final decision or award, accompanied by a series of five maps, duly attested by its members, on which was marked the water boundary as determined by the decision, and also the points on the mainland which were to fix the boundary as determined by the Tribunal. The final decision or award in duplicate, one copy for each Government, was signed by Baron Alverstone and the three American members, Messrs. Root, Lodge, and Turner.

The two Canadian members of the Tribunal, Messrs. Jetté and Aylesworth, declined to sign the award, and they pursued the unusual course of causing a statement at some length of the reasons for their refusal to be given to the public press on the same day that the decision was delivered to the agents of the two Governments. In this statement they say: "There is, in our opinion, no process of reasoning whereby the line thus decided upon by the Tribunal can be justified. * * * We do not consider the finding of the Tribunal as to the islands at the entrance to Portland Channel, or as to the mountain line, a judicial one, and we have, therefore, declined to be parties to the award. Our position during the conferences of the Tribunal has been an unfortunate one. * * * We have been compelled to witness the sacrifice of the interest of Canada, powerless to prevent it, though satisfied that the course the majority determined to pursue in

respect to the matters above specially referred to ignored the just rights of Canada."

I do not regard it as necessary to set forth in detail the claims of the two parties as involved in the seven questions submitted in the treaty, or the issues joined before the Tribunal. Broadly speaking, they resolved themselves into two matters of controversy: First, the water line on the south; and, second, the boundary on the mainland. The decision of the Tribunal on the first point was not wholly in favor of either party, as two of the islands claimed by the United States and heretofore in its possession were awarded to Great Britain, and two of the islands contended for as being in Canadian territory were conceded to the United States.

The second point involved the question whether the treaty gave to the United States a continuous strip of territory on the mainland passing around the head of all the inlets of salt water. This question, being the matter of supreme importance at issue, was decided in the affirmative and in conformity with the contention of the United States.

On these two points the president of the Tribunal, Lord Alverstone, filed opinions to sustain his action, and opinions on the same points signed by the three American members of the Tribunal were likewise filed and delivered to the agents of the two Governments with the decision. Privilege was granted to the two Canadian members to file opinions after the adjournment, but up to this date none have reached me.

I transmit herewith the original decision or award of the Tribunal, with the opinions mentioned, and also the original protocols of the sessions of the Tribunal.

It is a noteworthy fact that this important adjudication was brought to a close within less than eight months from the time when the treaty creating the Tribunal took effect. Such a prompt result is almost without parallel in the intercourse of nations.

I am gratified to record that I have received the hearty cooperation of the counsel of the United States and all other persons associated with me in the preparation of the case and in my labors before the Tribunal.

It is also my pleasing duty to state that we were the recipients from the agent and counsel of Great Britain of marked courtesy and consideration. The British Government *placed at* the disposal of the

Tribunal a suite of commodious rooms, every convenience was provided to the representatives of the United States for the dispatch of their duties, and they bear away with them from London only the most pleasing memories of British friendship and hospitality.

I am, sir, very respectfully, your obedient servant,

JOHN W. FOSTER,
Agent for the United States.

Hon. JOHN HAY,
Secretary of State.

PROTOCOLS

OF

ALASKAN BOUNDARY TRIBUNAL.

PROTOCOL No. 1.

MEETING OF THURSDAY, SEPTEMBER 3, 1903.

The first meeting of the Tribunal, constituted under the convention signed at Washington on the 24th January, 1903, between the United States of America and His Britannic Majesty, to consider certain questions relating to the boundary between the Territory of Alaska and the Dominion of Canada, took place at the Foreign Office, London, at 11 a. m., Thursday, 3rd September, 1903.

The commissions of the three Members of the Tribunal, appointed by the President of the United States of America, viz., the Honourable Elihu Root, Secretary of War of the United States; the Honourable Henry Cabot Lodge, Senator of the United States from Massachusetts; and the Honourable George Turner of the State of Washington, as well as the commissions of the three Members of the Tribunal, appointed by His Britannic Majesty, viz.: Baron Alverstone, the Lord Chief Justice of England; Sir Louis A. Jetté, Lieutenant-Governor of the Province of Quebec, Canada; and Mr. Allen B. Aylesworth, K.C., of the city of Toronto, Canada, were produced and verified. Each member, in the presence of the other members and of Mr. Reginald Tower, then took and subscribed the oath in accordance with and in the terms prescribed by the Convention.

The Honourable Elihu Root moved that Lord Alverstone should act as President of the Tribunal. The motion was unanimously carried, and Lord Alverstone then took the chair.

Mr. Reginald Tower, His Britannic Majesty's Minister-Resident at Munich and Stuttgart, was appointed Secretary of the Tribunal, in

accordance with the provisions of Article I of the convention of the 24th January, 1903. Mr. Tower was likewise authorized to act in the capacity of a bailiff, as provided by said Article I.

Mr. George Leslie Bannerman, of London, was appointed shorthand writer to the Tribunal.

The Honourable John W. Foster, Agent of the United States, and the Honourable Clifford Sifton, Agent of Great Britain, were introduced, and their appointments, under the provisions of Article II of the aforesaid Convention, were verified.

Mr. J. R. Carter, Second Secretary of the American Embassy, proposed by Mr. Foster, and Mr. Joseph Pope, C.M.G., Under-Secretary of State of Canada, proposed by Mr. Sifton, were chosen Associate-Secretaries of the Tribunal.

It was decided by the Tribunal that, so far as accommodation would permit, reporters of the press and other persons should be admitted to the meetings, upon presentation of a card to be issued to them by the Secretary of the Tribunal.

The members of the Tribunal then took their seats in the room at the Foreign Office prepared for the meetings, Lord Alverstone, the Lord Chief Justice of England, taking the chair as President.

Honourable Jacob M. Dickinson stated that the following were of counsel on the part of the United States:—

Mr. Jacob M. Dickinson,
Mr. David T. Watson,
Mr. Hannis Taylor, and
Mr. Chandler P. Anderson.

Sir Robert B. Finlay, K.C., M.P., stated that the following were of counsel on the part of His Britannic Majesty's Government:—

Sir Robert B. Finlay, K.C., M.P., the Attorney-General of England;

The Right Honourable Sir Edward H. Carson, K.C., M.P., the Solicitor-General of England;

Mr. C. Robinson, K.C.,
Mr. F. C. Wade, K.C.,
Mr. L. P. Duff, K.C.,
Mr. A. Geoffrion, K.C., } of the Canadian bar.

and Mr. S. A. T. Rowlatt and Mr. J. A. Simon of the English bar.

After discussion it was decided that the Tribunal should meet to hear the oral arguments of Counsel at 11 a. m. on Tuesday, the 15th

September; and after that date on Monday, Tuesday, Wednesday, Thursday, and Friday in each week until the conclusion of the oral arguments.

The Tribunal then adjourned.

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 2.

MEETING OF TUESDAY, SEPTEMBER 15, 1903.

The Tribunal assembled at 11 a. m., all the members being present.
Sir Robert Finlay commenced his opening argument.
At 1.30 p. m. the Tribunal adjourned for a short time.
On reassembling, Sir Robert Finlay continued his argument.
At 4 p. m. the Tribunal adjourned to the next day at 11 a. m.
Done at London, this 15th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 3.

MEETING OF WEDNESDAY, SEPTEMBER 16, 1903.

The Tribunal assembled at 11 a. m., all the members being present.
Sir Robert Finlay resumed his argument.
At 1.30 p. m. the Tribunal adjourned for a short time.
On reassembling Sir Robert Finlay continued his argument.
At 4 p. m. the Tribunal adjourned to the next day at 11 o'clock.
Done at London, this 16th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 4.

MEETING OF THURSDAY, SEPTEMBER 17, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Sir Robert Finlay resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling Sir Robert Finlay continued his argument.

At 4 p. m. the Tribunal adjourned to the next day at 11 o'clock.

Done at London, this 17th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 5.

MEETING OF FRIDAY, SEPTEMBER 18, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Sir Robert Finlay resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling Sir Robert Finlay continued his argument.

At 4 p. m. the Tribunal adjourned to Monday, the 21st instant, at 11 o'clock.

Done at London, this 18th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 6.

MEETING OF MONDAY, SEPTEMBER 21, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Sir Robert Finlay resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling, Sir Robert Finlay continued his argument.

At 4 p. m. the Tribunal adjourned to the following day at 11 o'clock.

Done at London, this 21st day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 7.

MEETING OF TUESDAY, SEPTEMBER 22, 1903.

The Tribunal assembled at a. m., all the members being present.

Sir Robert Finlay resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling, Sir Robert Finlay continued his argument.

At 4 p. m. the Tribunal adjourned to the following day at 11 o'clock.

Done at London, this 22nd day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 8.

MEETING OF WEDNESDAY, SEPTEMBER 23, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Sir Robert Finlay resumed his argument.

At 1.30 p. m. Sir Robert Finlay concluded his argument, upon which the Tribunal adjourned for a short time.

On reassembling, Mr. Watson began his argument.

At 4 p. m. the Tribunal adjourned to the next day at 11 o'clock.

Done at London, this 23rd day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
The Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 9.

MEETING OF THURSDAY, SEPTEMBER 24, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Mr. Watson resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling, Mr. Watson continued his argument.

At 4 p. m. the Tribunal adjourned to the next day at 11 o'clock.

Done at London, this 24th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
The Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 10.

MEETING OF FRIDAY, SEPTEMBER 25, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Mr. Watson resumed his argument.

At 1 p. m. the Tribunal adjourned for a short time.

On reassembling, Mr. Watson resumed his argument.

At 3.50 p. m. the Tribunal adjourned until Monday, the 28th, at 11 o'clock.

Done at London, this 25th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 11.

MEETING OF MONDAY, SEPTEMBER 28, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Mr. Watson resumed his argument, concluding at 12.30.

Mr. Robinson thereupon began his argument.

At 1.30 the Tribunal adjourned for a short time.

On reassembling, Mr. Robinson resumed his argument.

At 4 p. m. the Tribunal adjourned to the next day at 11 o'clock.

Done at London, this 28th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 12.

MEETING OF TUESDAY, SEPTEMBER 29, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Mr. Robinson resumed his argument.

At 1 p. m. the Tribunal adjourned for a short time.

On reassembling, Mr. Robinson resumed his argument till 2.30, when he concluded.

Mr. Taylor thereupon began his argument.

At 4 p. m. the Tribunal adjourned to the next day at 11 o'clock.

Done at London, this 29th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 13.

MEETING OF WEDNESDAY SEPTEMBER 30, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Mr. Taylor resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling, Mr. Taylor continued his argument till 3 o'clock, when he concluded.

Sir Edward Carson thereupon began his argument.

At 3.45 p. m. the President announced the sad news of the death of the Right Honourable Sir Michael Herbert, His Majesty's Ambassador at Washington, in the following terms:—

"The members of the Tribunal have just learned with the deepest sorrow of the death of Sir Michael Herbert, His Majesty's Ambassador at Washington, and who on behalf of Great Britain negotiated and signed the treaty by which this Tribunal is constituted, and under which it is at this moment sitting. I cannot trust myself to attempt to express the feelings of grief which this announcement has caused to every member of the Tribunal, and to many others who hear me, who had the great privilege of Sir Michael Herbert's friendship. A worthy successor of the great men who have filled the high office he held, he brought to his duties not only great ability, but the most charming personal gifts. I, and others who hear me, have been brought into close official and personal connection with him; it is no language of exaggeration if I say that no man ever brought to the discharge of his duties higher ideals, and few, if any, greater qualifications. His Majesty and the British nation have lost a devoted public servant. Many of us have lost a cherished personal friend."

Mr. Dickinson then said:—

"Mr. President, the counsel for the United States have heard with very great regret of the death of Sir Michael Herbert, and sympathize most cordially with all the remarks your Lordship has made; and if it will not interfere with the course of the argument of the Solicitor-General, I respectfully move, if I may be permitted to do so, that the session of this Tribunal for to-day be adjourned in honour of his memory."

Sir Edward Carson thereupon added:—

"My Lord, on behalf of the British and Canadian counsel in this case, I need hardly say I adopt every word that your Lordship has said. It comes as a shock to myself personally to learn this news, and I can only say that I believe the country has lost one of its greatest public servants, and I believe that that is a loss which is felt peculiarly under the circumstances in which we meet, when your Lordship refers to the fact that he was the Minister who brought about this treaty from which we hope such good results in leading to

the most amicable conclusions, the relations between the two neighboring countries—Canada and the United States."

The Tribunal at once adjourned out of respect to the late Ambassador's memory.

The next meeting of the Tribunal was fixed for Thursday, the 1st of October, at 11 a. m.

Done at London, this 30th day of September, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 14.

MEETING OF THURSDAY, OCTOBER 1, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Sir Edward Carson resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling, Sir Edward Carson continued his argument.

At 4 p. m. the Tribunal adjourned to the next day at 11 o'clock.

Done at London, this 1st day of October, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 15.

MEETING OF FRIDAY, OCTOBER 2, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Sir Edward Carson resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling, Sir Edward Carson continued his argument until 2.45 p. m., when he concluded.

Mr. Dickinson thereupon began his argument.

At 3.45 p. m., the Tribunal adjourned till Monday, the 5th instant, at 11 o'clock.

Done at London, this 2nd day of October, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britian: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 16.

MEETING OF MONDAY, OCTOBER 5, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Mr. Dickinson resumed his argument.

At 1.30 p. m., the Tribunal adjourned for a short time.

On reassembling, Mr. Dickinson continued his argument.

At 4 p. m., the Tribunal adjourned to the next day at 10.30.

Done at London, this 5th day of October, 1903, and signed:

The President: ALVERSTONE.
The Agent of the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 17.

MEETING OF TUESDAY, OCTOBER 6, 1903.

The Tribunal assembled at 10.30 a. m., all the members being present.

Mr. Dickinson resumed his argument.

At 1.15 p. m. adjournment was made to enable the members of the Tribunal and others to attend the service at Marlborough House Chapel in memory of the late Sir Michael Herbert.

The next meeting was fixed for the following day, at 11 a. m.

Done at London, this 6th day of October, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 18.

MEETING OF WEDNESDAY, OCTOBER 7, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Mr. Dickinson resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling, Mr. Dickinson continued his argument.

At 4 p. m. the Tribunal adjourned to the next day at 11 o'clock.

Done at London, this 7th day of October, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

PROTOCOL No. 19.

MEETING OF THURSDAY, OCTOBER 8, 1903.

The Tribunal assembled at 11 a. m., all the members being present.

Mr. Dickinson resumed his argument.

At 1.30 p. m. the Tribunal adjourned for a short time.

On reassembling, Mr. Dickinson continued and concluded his argument. In the name of the counsel for the United States he thanked the members of the Tribunal for their patient and considerate hearing, and the President for the impartiality with which he had directed the sessions.

Sir Robert Finlay indorsed the remarks of Mr. Dickinson, and in the name of the counsel for Great Britain, expressed their pleasure in meeting in friendly rivalry their distinguished friends from America.

Mr. Foster thereupon made the following remarks:—

"Having approached the end of the open sessions of the Tribunal, I desire, in the name of the Government of the United States and on behalf of my associates and myself, to make public recognition of the extreme friendliness and consideration with which we have been received by the British Government and its representatives. Not only has every facility and convenience been afforded us for the despatch of the business which brought us to this capital, but these acts have been attended with marked courtesy and kindness. Our sessions have been accompanied by a generous hospitality so characteristic of the English people.

"In making this public acknowlegment, it is especially pleasant to recall the fact that during our prolonged sessions not a harsh word has been spoken, nor an unpleasant incident occurred to mar the harmony of our intercourse. May this be an indication of the character of the decision to be rendered by this Tribunal, which both nations await with so much interest."

Done at London, this 9th day of October, 1903, and signed:

The President: ALVERSTONE.
The Agent for the United States: JOHN W. FOSTER.
The Agent for Great Britain: CLIFFORD SIFTON.
The Secretary: REGINALD TOWER.
Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

MEETING OF TUESDAY, OCTOBER 20, 1903

The Tribunal assembled at 12 o'clock noon, all the members being present.

The President, in accordance with the provisions of the treaty, handed to the respective agents the decision of the Tribunal upon the several questions submitted for their determination, accompanied by maps.

The Tribunal thereupon passed the following resolution:—

"The members of the Tribunal desire to place on record their high appreciation of the admirable arrangements made by the British For-

eign Office for their convenience and for the convenience of all those who were connected with the Tribunal.

"They also decide to acknowledge the courtesy of all the officials of the Foreign Office.

"They place on record their acknowledgment of the great assistance rendered by the two Agents and their high approval of the valuable services rendered by the Secretaries, Mr. Tower, Mr. Carter, and Mr Pope."

Done at London, this 20th day of October, 1903, and signed:

The President: ALVERSTONE.

The Agent for the United States: JOHN W. FOSTER.

The Agent for Great Britain: CLIFFORD SIFTON.

The Secretary: REGINALD TOWER.

Associate Secretaries: J. RIDGELY CARTER. JOSEPH POPE.

quent to the conclusion of the said Treaties so far as the same tended to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of the said Treaties

And whereas it was further agreed by the said Convention, referring to Articles III, IV and V of the said Treaty of 1825, that the said Tribunal should answer and decide the following questions:—

1. What is intended as the point of commencement of the line?

2. What channel is the Portland Channel?

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the conditions that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of the said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast should the width of the *lisière*, which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the

width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

And whereas His Britannic Majesty duly appointed Richard Everard, Baron Alverstone, G.C.M G. Lord Chief Justice of England, Sir Louis Amable Jetté K C M G Lieutenant-Governor of the Province of Quebec, and Allen Bristol Aylesworth one of His Majesty's Counsel, and the President of the United States of America duly appointed the Honourable Elihu Root Secretary of War of the United States, the Honourable Henry Cabot Lodge, Senator of the United States from the State of Massachusetts and the Honourable George Turner of the State of Washington, to be members of the said Tribunal.

Now therefore we the Undersigned having each of us first subscribed an oath as provided by the said Convention and having taken into consideration the matters directed by the said Convention to be considered by us, and having judicially considered the said questions submitted to us, do hereby make Answer and Award as follows:—

In answer to the *first* question

The Tribunal unanimously agrees that the point of commencement of the line is Cape Muzon.

In answer to the *second* question

The Tribunal unanimously agrees that the Portland Channel is the Channel which runs from about 55° 56′ NL and passes to the north of Pearse and Wales Islands.

A majority of the Tribunal that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the Portland Channel after passing to the north of Wales Island is the channel between Wales Island and Sitklan Island called Tongass Channel. The Portland Channel above mentioned is marked throughout its length by a dotted red line from the point B to the point marked C on the map signed in duplicate by the members of the Tribunal at the time of signing their decision.

In answer to the *third* question

A majority of the Tribunal that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the course of the line from the point of commencement to the entrance to Portland Channel is the line marked A B in red on the aforesaid map.

In answer to the *fourth* question

A majority of the Tribunal that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the point to which the line is to be drawn from the head of the Portland Channel is the point on the 56th parallel of latitude marked D on the aforesaid map and the course which the line should follow is drawn from C to D on the aforesaid map.

In answer to the *fifth* question

A majority of the Tribunal, that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the answer to the above question is in the affirmative

Question five having been answered in the affirmative question *six* requires no answer.

In answer to the *seventh* question

A majority of the Tribunal that is to say Lord Alverstone, Mr Root, Mr Lodge and Mr Turner decides that the mountains marked S on the aforesaid map are the mountains referred to as situated parallel to the coast on that part of the coast where such mountains marked S are situated and that between the points marked P (mountain marked S 8,000) on the north and the point marked T (mountain marked S 7,950) in the absence of further survey the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty.

In witness whereof we have signed the above written decision upon the questions submitted to us.

Signed in duplicate this twentieth day of October 1903.

ALVERSTONE.
ELIHU ROOT
HENRY CABOT LODGE
GEORGE TURNER

Witness
REGINALD TOWER:
Secretary.

OPINIONS OF LORD ALVERSTONE.

SECOND QUESTION.

What Channel is the Portland Channel?

The answer to this question, as indicated by the learned Counsel on both sides, depends upon the simple question: What did the Contracting Parties mean by the words "the channel called the Portland Channel" in Article III of the Treaty of 1825? This is a pure question of identity. In order to answer it one must endeavour to put oneself in the position of the Contracting Parties, and ascertain as accurately as possible what was known to them of the geography of the district so far as relates to the channel called the Portland Channel.

There are certain broad facts which, in my opinion, establish beyond any reasonable question that the negotiators had before them Vancouver's maps, the Russian map (No. 5 in the British, No. 6 in the American Atlas), Arrowsmith's maps (probably the map numbered 10 in the American Atlas), and Faden's maps (British Appendix, pp. 10 and 11).

I have, moreover, no doubt that the negotiators were acquainted with the information contained in Vancouver's narrative. I do not think it necessary to state in detail the evidence which has led me to this conclusion beyond stating that, quite apart from the overwhelming probability that this was the case, there are passages in the documents which, in my judgment, establish it to demonstration, but, for the purpose of my reasons it is sufficient to say that I have come to that clear conclusion after the most careful perusal of the documents.

I will now endeavour to summarize the facts relating to the channel called Portland Channel, which the information afforded by the maps and documents to which I have referred, establish. The first and most important is that it was perfectly well known before,

and at the date of the Treaty, that there were two channels or inlets, the one called Portland Channel, the other Observatory Inlet, both of them coming out to the Pacific Ocean.

That the seaward entrance of Observatory Inlet was between Point Maskelyne on the south and Point Wales on the north.

That one entrance of Portland Channel was between the island now known as Kannagunut and Tongas Island.

That the latitude of the mouth or entrance to the channel called Portland Channel, as described in the Treaty and understood by the negotiators, was at 54° 45′.

The narrative of Vancouver refers to the channel between Wales Island and Sitklan Island, known as Tongas Passage, as a passage leading south-south-east towards the ocean—which he passed in hope of finding a more northern and westerly communication to the sea, and describes his subsequently finding the passage between Tongas Island on the north and Sitklan and Kannagunut on the south. The narrative and the maps leave some doubt on the question whether he intended the name Portland Canal to include Tongas Passage as well as the passage between Tongas Island on the north and Sitklan and Kannagunut Island on the south. In view of this doubt, I think, having regard to the language, that Vancouver may have intended to include Tongas Passage in that name, and looking to the relative size of the two passages, I think that the negotiators may well have thought that the Portland Channel, after passing north of Pearse and Wales Island, issued into the sea by the two passages above described.

For the purpose of identifying the channel, commonly known as Portland Channel, the maps which were before the negotiators may be useful. This is one of the points upon which the evidence of contemporary maps as to general reputation is undoubtedly admissible. It is sufficient to say that not one of the maps which I have enumerated above in any way contradicts the precise and detailed situation of Portland Channel and Observatory Inlet given by Vancouver's narrative, and the other documents to which I have referred. The Russian map of 1802 shows the two channels distinctly; and the same may be said of Faden's maps, on which so much reliance was placed on the part of the United States.

I do not attach particular importance to the way in which names on the maps are written or printed, and therefore I do not rely upon

the fact that, in the case of some of these contemporary maps, the words "Portland Channel" are written so as to include, within the name, the lower part of the channel which is in dispute. From long experience I have found that it is not safe to rely upon any such peculiarities.

After the most careful consideration of every document in this Case, I have found nothing to alter or throw any doubt on the conclusion to which I have arrived, and there are certain general considerations which strongly support it.

Russia and Great Britain were negotiating as to the point on *the coast* to which Russian dominion should be conceded. It is unnecessary to refer to all the earlier negotiations, but it is distinctly established that Russia urged that her dominion should extend to 55° of latitude, and it was in furtherance of this object that Portland Channel, which issues into the sea at 54° 45′, was conceded and ultimately agreed to by Great Britain. No claim was ever made by Russia to any of the islands south of 54° 45′ except Prince of Wales Island, and this is the more marked because she did claim the whole of Prince of Wales Island, a part of which extended to about 54° 40′.

The islands between Observatory Inlet and the channel, to which I have referred above as the Portland Channel, are never mentioned in the whole course of the negotiations.

It is suggested on behalf of the United States that Portland Channel included both the channels, namely, the channel coming out between Point Maskelyne and Point Wales, and that running to the north of Pearse and Wales Islands, and that, upon the doctrine of the thalweg, the larger channel must be taken as the boundary. It is sufficient to say that, in my opinion, there is no foundation for this argument. The lengths and the points of land at their entrances are given in the case of each channel by Vancouver in a way which precludes the suggestion that he intended to include both channels under one name, and it must be remembered that he was upon a voyage of discovery, and named these channels when he had discovered and explored them.

Inasmuch as the question submitted to us only involves the determination of the channel described in the Treaty by the words already cited "the channel called Portland Channel," subsequent history can

throw no light upon this question; but I think it right to say that the use in the year 1853 of the name Portland Inlet in the British Admiralty Chart, upon which much reliance was placed on behalf of the United States has, in my opinion, no bearing upon the question, and the references to Tongas Island in 1835 as being on the frontier of the Russian Straits, and in 1863 as being on the north side of the Portland Canal, and in 1869 as to Tongas being on the boundary between Alaska and British Columbia, are strongly confirmatory of the view at which I have arrived upon the consideration of the materials which were in existence at the date of the Treaty.

I therefore answer the Second Question as follows:—

The Channel which runs to the North of Pearse and Wales Islands, and issues into the Pacific between Wales Island and Sitklan Island.

(Signed) ALVERSTONE.

OCTOBER 20, 1903.

FIFTH QUESTION.

In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast, and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip of coast on the mainland not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

Stated shortly, I understand this question to ask whether the eastern boundary, whether fixed by the crest of the mountains or by a distance of 10 marine leagues, was to run round the heads of the bays, ports, inlets, havens, and waters of the ocean, or not,

I have come to the conclusion in the affirmative, viz., that the boundary, whether running along the summits or crests of the mountains or—in the absence of mountains—at a distance of 10 marine leagues, was to run round the heads of the inlets, and not to cross them.

The language of the Treaty of 1825 does not of itself enable this question to be answered distinctly—on the contrary, it contains the ambiguities which have given rise to the discussion upon the one side and the other.

Paragraph 2 of Article III states that the line of demarcation shall follow the summit of the mountains situated parallel to the coast ("parallèlement à la côte"). This is the clause upon which the question really depends, because in the event of mountains being found to exist, situated parallel to the coast within a distance of 10 marine leagues, no recourse need be had to Article IV. Article IV, however, is of importance, as it may tend to throw light upon what was the meaning of the word "coast" in Article III, and the words in paragraph 2 of Article IV are "wherever the summits of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at a distance of more than 10 marine leagues from the ocean." It is in my opinion correctly pointed out, on behalf of the United States, that the word "coast" is an ambiguous term, and may be used in two, possibly in more than two, senses. I think, therefore, we are not only entitled, but bound to ascertain as far as we can from the facts which were before the negotiators the sense in which they used the word "coast" in the Treaty.

Before considering this latter view of the case, it is desirable to ascertain, as far as possible from the Treaty itself, what it means, and what can be gathered from the language of the Treaty alone. The parties were making an Agreement, as the opening words of the Treaty show, as to the limits of their respective possessions on the north-west coast of America, and there cannot be any question that the word "coast" in Articles I and II refers to the north-west coast of America. In Article III the opening words "upon the coast of the continent" also refer to the north-west coast of America. The first ambiguity arises upon the word "coast" in the phrase "parallel to the coast" in the description of the boundary in Article

III, and as to the word "coast" in the words "parallel to the coast" in the second paragraph of Article IV, and the words "the line of coast" and "the windings of the coast" in the same paragraph. Article V does not bear directly upon the question in dispute, but the words "or upon the border of the continent" ("*lisière de terre ferme*"), which follow the words "upon the coast," afford some slight guide to the meaning of the word "coast" in Article III. The word "coast" in Article VI evidently means the coast of the continent as it is in contrast with the words ocean and the interior. I postpone the consideration of the meaning of the word "coast" in Article VII, as it raises a very important question, which is in controversy. Considering these various passages, and the use made of the word "coast" therein, do they enable one, without reference to the previous negotiations, to answer the question as to whether the strip of territory mentioned in Article III was to run round the heads of the bays and inlets, or to cross them? I am of opinion that they do not. The broad, undisputed facts are that the parties were engaged in making an agreement respecting an archipelago of islands off the coast, and some strip of land upon the coast itself. The western limit of these islands extends in some places about 100 miles from the coast, and the channels or passages between the islands and between the islands and the coast are narrow waters of widths varying from a few hundred yards to thirteen miles. In ordinary parlance no one would call the waters of any of these channels or inlets between the islands, or between the islands and the mainland, "ocean." I agree with the view presented on behalf of Great Britain, that no one coming from the interior and reaching any of these channels, and particularly the head of the Lynn Canal or Taku Inlet, would describe himself as being upon the ocean, but, upon the other hand, it is quite clear that the Treaty does regard some of these channels as ocean. For instance, to take points as to which no question arises between Wrangell Island, Mitkoff Island, and Kupreanoff Island, all of which are north of latitude 56, it cannot, I think, be disputed that, for the purpose of the Treaty, the waters between these islands and the mainland were included in the word "ocean," and that the coast upon which the eastern boundary of the *lisière* was to be drawn was the coast of the continent, and the mountains referred to in Article III were to be upon that coast, and the line referred to in paragraph 2 of Article IV was to be measured

from those waters. This consideration, however, is not sufficient to solve the question; it still leaves open the interpretation of the word "coast" to which the mountains were to be parallel.

Now, it is to be observed that *primâ facie* the eastern boundary is to be fixed under Article III; as already pointed out, it is not necessary to have recourse to Article IV unless the mountains which correspond to those described in Article III prove to be at a distance of more than 10 marine leagues from the ocean. Assuming that the boundary is being determined in accordance with Article III, the mountains which are on the continent are to be parallel to the coast, and a person fixing the boundary under Article III would not leave the line which follows the summits or crest of the mountains unless that line was situated at more than 10 marine leagues from the ocean. As I have already pointed out, for a considerable part of the distance referred to in Article III, namely, from the southern end of Wrangell Island up to the northern end of Kupreanoff Island, the distance must be measured from the shore of these inland waters, which, and which alone, are the ocean referred to in Article IV. I am unable to find any words in the Treaty which direct that the mountain line contemplated by Article III shall cross inlets or bays of the sea. In so far as the language of Article III of itself is a guide, it does not seem to me to contemplate such a state of things. Of course, if the main contention of Great Britain can be adopted, viz., that the words, "line of coast" and "windings of the coast," in paragraph 2 of Article IV, should it be necessary to have recourse to that paragraph, mean the general line of coast or the windings of the general coast, excluding inlets, the difficulty would disappear, but, in order to establish that position, it seems to me that Great Britain must show that the Treaty uses the word "coast" in the second paragraph of Article III, and in the second paragraph of Article IV, in that sense.

I see some broad objections to this view. In the first place, it necessitates the word "coast" being used with two different meanings in the same clause, and, secondly, it makes it necessary to assume a view of the geographical position as being known to the negotiators, or to postulate that they assumed some definition, or common understanding, as to what the general line of the coast was.

There is, as far as I know, no recognized rule of international law which would by implication give a recognized meaning to the word

"coast" as applied to such sinuosities and such waters different from the coast itself.

As I have said more than once, the *locus in quo* to which the Treaty was referring precludes the possibility of construing the word "coast" in any particular Article in any special way, if it does not refer to the coast line of the continent. I think the words "upon the border of the continent (*lisière de terre ferme*) comprised within the limits of the Russian possessions" in Article V rather confirm the view that Russia was to get a strip all along the continent, but I do not think that much reliance can be placed upon this because of the provision as to rivers and streams in Article VI.

Before leaving the Treaty, it is, in my opinion, necessary to notice the very important argument put forward by Great Britain, founded upon Article VII. It was contended by Great Britain that the words "gulfs, havens, and creeks on the coast mentioned in Article III," referred only to the gulfs, havens, and creeks on the *lisière* or strip bounded as described in that Article. If Great Britain could have made good that contention it would, in my opinion, have afforded the strongest argument that the Treaty contemplated that the *lisière* or strip might cross bays, inlets, and arms of the sea, but in my opinion the contention cannot be successfully maintained.

The coast mentioned in Article III is, in my opinion, the coast of the continent, and the coast referred to in the second paragraph of Article IV is also the coast of the continent. The *lisière*, ascertained by drawing the boundary in accordance with the directions in Article III, is a strip upon the coast, and would not, I think, be naturally described by the words "the coast mentioned in Article III." My view is that the provisions of Article VII are perfectly general, and gave mutual rights for a period of ten years to Russia and Great Britain respectively in respect of their possessions upon the north-west coast of America.

Turning now from the consideration of the language of the Treaty alone, what light is thrown upon this question by reference to the negotiations?

After most careful examination, I have been unable to find any passage which supports the view that Great Britain was directly or indirectly putting forward a claim to the shores or ports at the head of the inlets. This is not remarkable, inasmuch as no one at the time had any idea that they would become of any importance.

In March 1824, among the objects desired to be secured by Great Britain are stated to be the embouchures of such rivers as might afford an outlet. In the proposals referred to in the same letter the *lisière* is spoken of as a strip of land on the mainland, also as a strip of land on the coast of the continent. In the same documents the boundary is spoken of as "the mountains which follow the windings of the coast," and in correspondence of July 1824 as "following the sinuosities of the coast along the base of the mountains nearest the sea," and "the base of the mountains which follow the sinuosities of the coast," and "mountains designated as the boundary shall extend down to the very border of the coast." It is sufficient to say that these passages certainly do not suggest, or imply, that the line from summit to summit will cross any substantial arm of the sea; and that it was not so understood by the negotiators for Great Britain seems to me to follow from the passage in the letter of the 24th July, 1824, in which Great Britain consented to substitute the summit of the mountains for the seaward base, and suggested that a stipulation should be added that no fort should be established, or fortification erected, by either party, on the summit or in the passes of the mountains. It is difficult to see how such words could be applicable if it was contemplated that there might be a gap of 6 miles between summit and summit crossing the water. I have only to add upon this point that the language of both the British and Russian Representatives, in reporting the conclusion of the Treaty to their respective Governments, is in accordance with the view which I have suggested.

I have felt it my duty to express the reasons which have led me to the conclusion to which I have come, that the answer to the Fifth Question should be in the affirmative, because I am constrained to take a view contrary to that presented by the advocates on behalf of Great Britain; but it must not be thought that I am insensible to the fact that there are strong arguments which might be urged in favour of the British view. I have little doubt that, if shortly after the making of the Treaty of 1825 Great Britain and Russia had proceeded to draw the boundary provided by the Treaty in accordance with the terms thereof, the difficulties and, in certain events, the impossibilities of drawing a boundary in strict accordance with the Treaty would have been made evident. If, for instance, it had become necessary to draw a boundary in accordance with paragraph 2 of Article IV of the Treaty, I believe that

the view expressed by both the American and British authoritie that it is impossible to do so, would at once have become appa ent. And in the same way if the contention of the United Stat be well founded that no mountains exist on the coast which corr spond with the Treaty, a further difficulty would have been mac manifest.

I can, therefore, well understand and appreciate the contentic of Great Britain, that, under the existing state of circumstance difficulties in delimiting the boundaries described must arise in o view, and might arise in any view. But these considerations, stror as they are in favour of a just and equitable modification of tl Treaty, do not in my opinion enable one to put a different co struction upon the Treaty. I think that the parties knew and unde stood what they were bargaining about, and expressed the terms their bargain in terms to which effect can be given. The fact th when, 65 years later, the representatives of the two nations attempt to draw the boundary in accordance with the Treaty, they we unable to agree upon its meaning does not entitle me to put different construction upon it.

In the view I take of the terms of the Treaty itself, it is n necessary to discuss subsequent action. Had the terms of tl Treaty led me to a different conclusion, and entitled me to ado the view presented by Great Britain, I should have felt great dif culty in holding that anything that had been done or omitted t be done by, or on behalf of, Great Britain, or that any condu on her part prevented her from insisting on the strict interpret tion of the Treaty, nor do I think that the representations map makers that the boundary was assumed to run round the hea of the inlets could have been properly urged by the United Stat as a sufficient reason for depriving Great Britain of any righ which she had under the Treaty had they existed.

I therefore answer this Question in the affirmative.

(Signed) ALVERSTONE.

OCTOBER 20, 1903

OPINIONS OF UNITED STATES MEMBERS.

OPINION ON SECOND QUESTION.

Question number two of the Convention, "What is the Portland Channel?" has presented such peculiar difficulties that the Undersigned feel it necessary to set forth the reasons which have led them to join in the decision rendered by a majority of the Tribunal.

An inlet of great depth, starting just below the 56th parallel, runs down to the head of Pearse Island. At this point the inlet divides, and down to this point of division there is no question of identity, and none has ever been seriously raised. From the north-eastern corner of Pearse Island to within five miles of the 56th parallel the identity of this inlet with the Portland Channel, as intended by the negotiators of the Treaty of 1825, is undisputed, but after the division at Pearse Island the question has arisen whether the channel south of Pearse and Wales Islands is the Portland Channel, or whether that which passes to the north of those two islands is entitled to the name. Were we able to rest a decision solely on maps which we know to have been before the negotiators of the Treaty of 1825, the weight of evidence in the opinion of the Undersigned would be in favour of the view that the Portland Channel passed south of Wales and Pearse Islands, with Observatory Inlet entering it on the other side, and so on to the sea. The northern channel as indicated on contemporary maps is narrow and indistinct, so that it is not easy to believe that any negotiators would have taken it as a clear, well-defined, natural boundary, such as they were seeking to establish in the Treaty of Delimitation. The testimony of maps subsequent to the Treaty is fluctuating, but general opinion seems to have settled down to the belief that the more obvious southern channel was a continuation and part of the Portland Channel, and on many of the later maps we find the channel passing south of Pearse and Wales Islands denominated "Portland Inlet." In determining, however, what should now be

called Portland Channel, the question to be decided was what the negotiators meant when they used that term, and in arriving at the intention of the negotiators of the Treaty of 1825, it was not possible to reach it by an inspection of the maps alone. The negotiators undoubtedly intended when they named Portland Channel as the southern boundary of the Russian possessions to refer to that inlet or body of water which Vancouver named Portland Canal, for it was Vancouver who gave the name, as is well known, to this inlet. If Vancouver had left us nothing but maps the Case, although not free from doubt and obscurity, would be comparatively simple. But Vancouver also published in addition to his maps a detailed narrative of all his explorations upon the northwestern coast of America.

It was argued very forcibly by the Counsel for the United States that there was no proof that the negotiators had read Vancouver's narrative, but while it is no doubt true that they made no such examination of that narrative as has lately been pursued, it is almost impossible to suppose that men of trained ability seeking to establish a natural boundary in a little-known region should not have read the only book which contained any detailed information as to that portion of the globe with which they were dealing. We know from undoubted evidence that Mr. Pelly, the representative of the Hudson Bay Company, who was consulted by Mr. Canning at every stage of the negotiations, had read Vancouver's narrative, or, at least, those portions relating to the part of the coast which was under discussion. It is almost incredible, therefore, that Mr. Canning and Sir Charles Bagot should not also have examined the narrative, and it is equally unlikely that the Russians should have failed to consult the one book which contained a detailed examination of that region, and which had appeared in no less than four editions, two in English and two in French.

It has seemed, therefore, to the Undersigned impossible to exclude the narrative in endeavouring to reach a conclusion as to what the negotiators meant by the Portland Channel. In 1888 Mr. Dall, of the Smithsonian Institution, in a Memorandum sent to Mr. Bayard, said (pp. 104 and 105, United States' Counter-Case):—

At this point we come across another difficulty, or, rather, one has been suggested very recently. By a careful study of Vancouver's text it is evident that there is on this point a certain discrepancy between his charts and his text. In reading over his whole account of the survey of this inlet and its branches (Vancouver,

official English edition, vol. ii, pp. 329, 330, 331, 334–340, and 371), he seems to have varied a little in his notions, but his final treatment of Observatory Inlet extends it to Points Wales and Maskelyne, while in another place he seems to regard it as beginning at Point Ramsden (*cf.* op. cit. 2, p. 375). On the other hand, he treats Portland Inlet as continuing to the sea behind Wales and Pearse Islands. So that, if the Treaty is to be tried by Vancouver's text, it will result in giving to Great Britain the above-mentioned islands and some other small ones.

Mr. Dall there points out for the first time the discrepancy which appeared to exist between the maps and the text of the narrative, or, perhaps, to state it more exactly, the discrepancy between the text and what appeared to be the obvious, though not necessarily the only, meaning of the maps. There is no need here to enter into all the details of Vancouver's narrative, but on page 379 of his narrative he says, under the date of Monday, the 19th August, 1793:—

A want of wind and a flood tide prevented our weighing until nine the following morning, when with an ebb tide we again proceeded, but did not reach the entrance to Observatory Inlet until two of the morning of the 20th, a distance of not more than thirteen leagues from Salmon Cove. The western point of Observatory Inlet I distinguished by calling it Point Wales.

That is, he called that stretch of water from Salmon Cove, on Observatory Inlet, where his ships had been anchored, to the south-western extremity of Wales Island, a distance of 13 leagues, "Observatory Inlet." This includes, as a glance at the map will show, the channel which passes south of Pearse and Wales Islands. If, therefore, he intended to name that whole stretch of water Observatory Inlet, it is exclusive, and the name of Portland Canal cannot be applied to it. Portland Canal, therefore, must either have stopped at the north-eastern extremity of Pearse Island, or must have continued by the channel north of that island to the eastern end of Wales Island.

The question is a very close one, but if we admit the text of the narrative it seems difficult to avoid the conclusion that by "Observatory Inlet" he included all the water from Salmon Cove to the south-western extremity of Wales Island. We also know that he explored the northern channel, occupying himself in that work from the 27th of July to the 2nd of August. He followed the channel westerly, passing what has been known as Tongass Passage, between Wales and Sitklan Islands, through which he looked and saw at a short distance the ocean. Desiring, however, to find if possible another opening to the ocean which followed the general line of the

Continent, he kept on through the narrow passage which passes north of Sitklan and Kanagunnut Islands, and came out into the ocean opposite Cape Fox. Near Cape Fox he encamped. He then explored the waters around Revilla Gigedo Island, and on the 14th of August returned to Cape Fox. At dawn the next morning, which in that latitude and in August must have been at a very early hour, he set out to return to his vessels, and he writes that in the forenoon, which must have been some hours after he started from the point opposite the narow channel out of which he had issued the 2nd of August, he passed the mouth of the channel which he had previously explored, and which he named "Portland's Canal, in honour of the noble family of Bentinck."

His exact language is as follows:—

> In the forenoon we reached that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles, which, in honour of the noble family of Bentinck, I named "Portland's Canal" (pp. 370-71, Vancouver).

It seems clear from this statement that if he considered, as the other extracts from his narrative already cited seem to prove, the northerly channel as the natural extension of the deep inlet running to the 56th parallel, he must have looked into it through Tongass Passage, and then and there gave it its name. Moreover, it is quite obvious from the maps that there are three outlets for the waters which come through the northern channel and are swelled by those from the inlets about Fillmore Island. Two of them are very small, so small as to be practically impossible to navigate. The third is the Tongass Passage, and that seems beyond a question, on the face of both the maps and the text, to be the true entrance to the channel which passes north of Wales and Pearse Islands. Accepting Vancouver's narrative as having the greatest weight, the conclusion follows that the award of the Tribunal must be that the Portland Channel intended by the makers of the Treaty of 1825 was that body of water which entered the sea by the Tongass Passage and passed thence north of Wales and Pearse Islands, and so onward to the immediate neighbourhood of the 56th parallel.

(Signed) ELIHU ROOT.
HENRY CABOT LODGE.
GEORGE TURNER.

OPINION ON FIFTH QUESTION.

The following statement presents in brief the chief considerations which have led the Undersigned Members of the Alaskan Boundary Tribunal to the conclusion that the Fifth Question submitted under the Treaty of the 24th January, 1903, should be answered in the affirmative.

The question calls for a construction of the Treaty between Great Britain and Russia signed the 16th (28th) February, 1825, agreeing upon a boundary-line between Alaska and British Columbia. The particular provisions which undertake to describe the boundary-line are in these words:—

III. The line of demarcation between the possessions of the High Contracting Parties, upon the coast of the continent, and the islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the southernmost point of the island called Prince of Wales' Island, which point lies in the parallel of 54° 40′ north latitude, and between the 131st and the 133rd degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains ('la crête des montagnes') situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west.

IV. With reference to the line of demarcation laid down in the preceding Article, it is understood:

First. That the island called Prince of Wales' Island shall belong wholly to Russia.

Second. That whenever the summit of the mountains ("la crête des montagnes") which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

Portland Channel begins on the full ocean, at a point very near latitude 54° 40′, and ascends for about 70 miles, in a general direction slightly east of north, to a point which is, in fact, about 5 miles from the 56th parallel.

The Fourth Question relates to the course of the line through this intervening space.

The Tribunal has agreed that as the intervening distance is not more than would naturally be covered in climbing from the sea level to the summit of the high mountains which were known in 1825 to exist, and which do in fact exist, at the head of the Portland Channel, the simple and obvious way to give effect to the intent of the Treaty is to take the shortest route from the water to the summit of the mountain, which is in plain sight from the water; and this course brings us to the 56th parallel, upon a mountain ridge over 5,000 feet in height, the foot of which is washed by the waters of the Portland Channel.

The Fifth Question relates to the course of the line northward from that point. It is in the following words:—

In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and Russian territory should be formed by a line parallel to the sinuosities of the coast, and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

The main practical effect of the answer will be to determine whether the line was to run around the heads of the inlets, leaving them in Russian territory, or was to cut across the inlets, leaving their heads in British territory.

We are of the opinion that the true construction of the Treaty is that which carries the line around the heads of the inlets, and that the following considerations all require the adoption of this construction:—

1. The purpose of the Treaty, well understood by the negotiators, would be accomplished by this construction, and would be defeated by the other construction.

2. The natural and ordinary meaning of the terms used in the Treaty, when applied to the natural features of the country known to the negotiators, or supposed by them to exist, require this construction.

3. The meaning expressly given to the words used in the Treaty by the negotiators, in their written communications during the course of the negotiations, requires this construction.

4. The official maps published by Russia, Great Britain, Canada, British Columbia, and the United States—many in number—for a period of more than sixty years after the Treaty, known to the public officers of the different Governments, and accepted as the basis of official action, without a single exception carried the line around the heads of all the inlets, and were wholly irreconcilable with the other construction.

During all that period the cartographers of England, France, Germany, Russia, Spain, the United States, and Canada were permitted to represent the line in the same way, without any question or suggestion to the contrary, so that it was permitted to become part of the common understanding of mankind that the region now in dispute was Russian and not British territory. And the United States were permitted to purchase the territory, forty-two years after the Treaty, with this understanding.

These things show a practical interpretation of the Treaty.

5. For more than sixty years after the Treaty, Russia, and in succession to her the United States, occupied, possessed, and governed the territory around the heads of the inlets without any protest or objection, while Great Britain never exercised the rights or performed the duties of sovereignty there, or attempted to do so, or suggested that she considered herself entitled to do so.

This was a practical interpretation of the treaty by all parties concerned.

The purpose of the Treaty is not open to doubt, and was, in substance, conceded upon the arguments before the Tribunal.

Both Russia and Great Britain had chartered great fur-trading Companies. On the one hand, the Russian-American Company had extended its establishments from the west up the chain of Aleutian Islands, and down the north-west coast of America as far as the 57th parallel, where it had a post at New Archangel, or Sitka, on Baranof Island. On the other hand, the Hudson's Bay Company, crossing the Rocky Mountains from the east, had pushed its posts west to the Mackenzie River and the upper waters of the Fraser River, to within about 100 miles of the coast at about latitude 55° or 56°. It was

evident that before very long the agents of these two Companies would meet and dispute the control of the same hunting-grounds and of trade with the same native tribes.

By a Ukase dated the 8th of July, 1799, Russia had granted to the Russian-American Company the exclusive right to hunt and trade upon the coast as far south as the 55th parallel; and by a Ukase dated the 4th September, 1821, Russia had undertaken to protect the Russian Company by prohibiting all foreign vessels not only to land on the coasts and islands which were declared to belong to Russia as far south as latitude 51 degrees, but also to approach the coast within less than 100 miles.

Great Britain protested against this assumption of exclusive jurisdiction over the Pacific Ocean, and incidentally to the settlement of that question, the two nations undertook to delimit their respective territorial possessions in that part of the world.

Russia based her claims upon occupation and trade by the Russian American Company. Great Britain based her claims upon occupation and trade by the Hudson's Bay Company.

Both parties soon agreed to drop the discussion of strict right, and to make such a settlement as should be for their mutual convenience and interest. Proceeding upon this ground, the British negotiators proposed to confine Russia to the continent west of the Lynn Canal, and the islands in the immediate neighbourhood of the post at Sitka. Russia, upon the other hand, insisted that it was necessary for the protection of her trade, of which the post at Sitka was the centre, to have a substantial strip or *lisière* of territory upon the mainland, opposite the islands, and extending as far south as the Portland Canal. To this contention Great Britain yielded, and the line now under consideration was designed to give to Russia a strip or *lisière* on the mainland which would afford to the Russian-American Company the protection desired.

The purpose of the *lisière* was stated by the Russian negotiators to be

> the establishment of a barrier at which would be stopped once for all to the north as to the west of the coast allotted to our American Company the encroachments of the English agents of the amalgamated Hudson Bay and North-west English Company, whom a more intimate acquaintance with the country traversed by the Mackenzie River might easily bring, in the course of time, into the neighbourhood of our establishments. (B.C., App., p. 53.)

It is more fully stated in the observations of the Russian Plenipotentiaries upon the proposal of Sir Charles Bagot in February 1824 to assign to Russia a strip with the uniform width of 10 marine leagues from the shore, limited on the south by a line between 30 and 40 miles north from the northern end of the Portland Canal. They then said:—

> The motive which caused the adoption of the principle of mutual expediency to be proposed, and the most important advantage of this principle, is to prevent the respective establishments on the north-west coast from injuring each other and entering into collision.
>
> The English establishments of the Hudson's Bay and North-west Companies have a tendency to advance westward along the 53° and 54° of north latitude.
>
> The Russian establishments of the American Company have a tendency to descend southward toward the fifty-fifth parallel and beyond, for it should be noted that, if the American Company has not yet made permanent establishments on the mathematical line of the 55th degree, it is nevertheless true that, by virtue of its privilege of 1799, against which privilege no Power has ever protested, it is exploiting the hunting and the fishing in these regions, and that it regularly occupies the islands and the neighbouring coasts during the season, which allows it to send its hunters and fishermen there.
>
> It was, then, to the mutual advantage of the two Empires to assign just limits to this advance on both sides, which, in time, could not fail to cause most unfortunate complications.
>
> It was also to their mutual advantage to fix these limits according to natural partitions, which always constitute the most distinct and certain frontiers.
>
> For these reasons the Plenipotentiaries of Russia have proposed as limits upon the coast of the continent, to the south, Portland Channel, the head of which lies about (par) the fifty-sixth degree of north latitude, and to the east the chain of mountains which follows at a very short distance the sinuosities of the coast. (U.S.C., App., p. 161.)

The reply of Sir Charles Bagot was that the line proposed by him would secure the advantage desired by Russia. He said:—

> Any argument founded on the consideration of practical advantage to Russia could not fail to have the greatest weight, and the Plenipotentiary of His Britannic Majesty did not hesitate to give up, in consequence of this observation of the Russian Plenipotentiaries, the line of demarcation which he had first proposed . . . and to offer another which would secure to Russia not only a strip on the continent opposite the southernmost establishment which she possesses on the islands, but also the possession of all the islands and waters in its vicinity, or which are situated between that establishment and the mainland ("terre ferme"), in short, possession of all that could in future be of any service either to its stability or its prosperity. (U.S.C., App., p. 163.)

And he then proposed to include the Prince of Wales Island within the Russian line. But Russia insisted upon having her *lisière* run to the Portland Canal, saying:—

> That the possession of Prince of Wales Island, without a slice (portion) of territory upon the coast situated in front of that island, could be of no utility whatever to Russia. That any establishment formed upon said island, or upon the surrounding islands, would find itself, as it were, flanked ("tourné") by the English establishments on the mainland, and completely at the mercy of these latter. (U.S.C., App., p. 164.)

England finally yielded to the Russian demand that the *lisière* should extend to the Portland Canal.

It was thus the intent of the Treaty makers to provide for a strip of Russian territory on the mainland which would protect the trade of the Russian American Company, from its central post at Sitka, against the competition of the Hudson's Bay traders, coming from the east. To ascertain what kind of a barrier was intended to furnish that protection, it is necessary only to inquire what the trade was. It was a trade with the Indian tribes who lived around the heads of the inlets, and the subject-matter of the trade consisted of the skins of the fur-bearing animals taken in and about the inlets and the streams flowing into them. It is quite incredible that for the purpose of protecting that Russian trade against competition of the Hudson's Bay Company the Treaty makers intended to draw a line which would throw all the natives with whom the trade was conducted, and substantially all the territory which produced the material of the trade, into the Hudson's Bay territory. Instead of a protection to Russian trade with the mainland, that would have been a complete abandonment of it. Instead of excluding the Hudson's Bay agents from those parts of the coast which were frequented by the Russian hunters and fishermen, it would have excluded the Russians, and given a monopoly to the Hudson's Bay Company. The line proposed by Great Britain cuts across some sixteen bays and inlets, leaving upon the Russian side substantially nothing but rocky and inaccessible promontories, and on the British side, including substantially all the harbours, anchorages, habitable shores, river mouths, avenues of access to the interior, hunting grounds and native tribes. It is plain that such a strip of territory, part land and part water, would have furnished no protection to Russian trade, would have interposed no barrier to the extension of Hudson's

Bay posts as far as in the nature of things they could come, would have completely failed to furnish the natural boundary which both parties intended, and would not, in any respect, have answered the avowed purpose of the *lisière* intended by the Treaty.

We are not at liberty to ascribe a meaning to the terms of a Treaty which would frustrate the known and proved purpose of the instrument, unless the words used in the instrument are such as to permit no other construction. Whoever asserts a construction which would produce such a result must show not merely that it is a possible construction, but that it is a necessary construction, and that any other is impossible.

The most important and determining question in construing the words of the Treaty is the question: in what sense did the Treaty makers use the words "coast" and "sinuosities of the coast?" The primary boundary provided for in Article III was to be "the crest of the mountains situated parallel to the coast." And, by Article IV, when that crest proves to be at the distance of more than 10 marine leagues from the ocean, the boundary is to be formed by "a line parallel to the sinuosities of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

In what sense did the Treaty makers use the word "coast?"

Counsel for Great Britain contend that since the 10 marine league line measured from the coast was to be applied only when the mountains proved more than 10 marine leagues from the ocean, the words "coast" and "ocean" must be deemed correlative, and the coast intended must be taken to be the line where land and ocean, properly so called, meet; and they say that the word "ocean" cannot be taken to describe the waters of long and narrow inlets, or fiords, like the Lynn Canal and the Taku Inlet, less than 6 miles in width, but must be taken to mean the great body of water which puts a limit to territorial jurisdiction, and they infer that the coast which is so co-terminous with the ocean must be the line upon one side of which is the mainland, including its territorial waters, and on the other the full ocean, excluding territorial waters. In other words, the general line or trend of the mainland coast, cutting across the mouths of inlets.

It is, however, impossible to give this meaning to the word "ocean," as used in this Treaty, because there stretches along the coast for 300 miles—from Cape Spencer down to the Portland Canal, and covering a space from 80 to 100 miles wide—an archipelago of

islands, separated from each other and from the mainland by a multitude of narrow and tortuous passages, which do not at all answer to this meaning of the word "ocean." If this were the meaning of the word as used in the Treaty, the coast line would be outside of the islands, and a line drawn at 10 marine leagues from that coast would give to Russia no territory whatever upon the mainland. It is only by assigning to the word "ocean" an entirely different meaning, and making it include the narrow passages—which are no more and no less ocean than the inlets—that the Treaty can be made to provide any *lisière* upon the mainland. In this sense, which is necessary to effect the purpose of the Treaty, "ocean" means the salt water that washes the shore of the mainland, and "coast" means the line where the mainland meets the salt water, however narrow may be the passage, and however distant from the broad expanse of full ocean.

It is further to be observed that the contention of Great Britain completely ignores the provision that the 10-marine-league line, whenever drawn, is to be parallel to the sinuosities of the coast ("parallèle au sinuosités de la côte"). The general trend of a coast takes no account of sinuosities. The two terms are directly opposed. The meaning of "general trend" is that sinuosities are ignored, and the meaning of "following the sinuosities" is that the general trend is departed from whenever the line where the land and water meet departs from it. Counsel for Great Britain were asked upon the argument to lay down on a map a line from which they contended that the 10 marine leagues were to be measured. The line which they presented took no account whatever of the sinuosities of the coast. According to their contention, precisely the same course was followed that would have been followed if those words had been omitted from the Treaty. We are not at liberty to omit them, or to refuse to give them effect. The only real effect they can have is to carry the line around the bays and inlets.

If we turn to the maps which were before the negotiators, and with reference to which they used the words of the Treaty, and seek to learn their meaning of the word "coast" by ascertaining what were the mountains which they describe as parallel to the coast, we reach the same result. We know that they had before them, and consulted Vancouver's chart No. 7 (British Atlas, No. 2); Vancouver's chart No. 12 (British Atlas, No. 3); the Russian Official Map of 1802 (British

Atlas, No. 5); Faden's Map of 1823 (British Atlas, No. 10), this last being specially relied upon by the British negotiators. Upon every one of these maps, there appears a distinct and well-defined chain or ridge of mountains, running from near the head of the Portland Canal, and northerly along the coast, and in general parallel thereto, and furnishing the means of defining a line of natural boundary as distinctly as the mountain chains which constitute boundaries between countries in other parts of the world, such as the Pyrenees between France and Spain, and the Andes between Chile and Peru. These maps embodied the results both of British and of Russian exploration, and they appear to justify the unquestioning confidence of the negotiators in the existence of a mountain crest extending generally parallel to the coast, and capable of defining the proposed boundary line. They clearly present a chain or range, and we know from numerous passages in the written communications which passed during the negotiations that the negotiators on both sides had in mind a chain or range of mountains, when they referred to mountains as defining the boundary. Thus the Russian negotiators described the proposed boundary which they had proposed, and which is the one adopted in the Treaty, as "the chain of mountains which follow, at a very small distance, the windings of the coast," and they say that they leave to Great Britain "all the territory situated behind the chain of mountains referred to previously." (B. C., App., pp. 71, 72.)

In July 1824, when Mr. Canning proposed that the line should run along the base of the mountains, Count Lieven represented to him "that when a chain of mountains is made to serve for the establishment of any boundary whatever, it is always the crest of those mountains that forms the line of demarcation." (B. C., App., pp. 90, 91.)

On the 20th October, 1824, the Hudson's Bay Company, through Mr. Pelly, wrote to the Foreign Office insisting that the eastern boundary from the Portland Canal northerly should be "the chain of mountains at a "très petite distance de la côte," but that if the summit of those mountains exceed 10 leagues, the said distance be substituted instead of the mountains," thus accepting and quoting the Russian language above cited. (B. C., App., p. 110.)

At the time of exchanging the Ratifications of the Treaty, the Russian Representative presented a formal expression of dissatisfaction

on the part of Russia at Great Britain's insistence upon the alternative or corrective 10-marine-league line, and Mr. Canning replied that under the Treaty of Ghent, between Great Britain and the United States, "which likewise fixed a chain of mountains as the frontier between the possessions of the two States," dispute had arisen because the mountains had been found to deviate from the direction given them on the maps, and he wished to avoid such a dispute. (B. C., App., p. 135.)

When Great Britain finally accepted the Portland Canal line, the British Ambassador at London wrote to Count Nesselrode at St. Petersburgh as follows:—

> The proposition of our Court was to make this frontier run along the mountains which follow the windings of the coast to Mount Elias. The English Government fully accepts this line as it is laid off on the maps ("désignée sur les cartes"); but as it thinks that the maps are defective, and that the mountains which are to serve as a frontier might, by leaving the coast beyond the line designated, inclose a considerable extent of territory, it wishes the line claimed by us to be described with more exactness, so as not to cede, in reality, more than our Court asks and more than England is disposed to grant. (B. C., App., p. 84.)

There can be no doubt that the chain of mountains depicted upon all of these maps as running northerly from the head of the Portland Channel along the coast to Mount St. Elias was the mountain crest described in the Treaty as running parallel to the coast. There are no other mountains on any of the maps which were before the negotiators which answered to the description of the Treaty and of the written negotiations.

That chain of mountains upon all the maps runs around the heads of all the bays and inlets. It is substantially parallel to those sinuosities, and it is not parallel to a line which cuts across the inlets.

The negotiators have themselves, however, furnished an explanation of their meaning of the word "coast" which leaves that provision of the Treaty in no possible doubt. The 10-marine-league line was proposed to the Russian negotiators by Sir Charles Bagot as the measure of the width of the *lisière* at the time when he proposed to fix its southern boundary a short distance north of the Portland Canal. He proposed it in these words:—

> Thence extending in the same direction upon the mainland as far as a point 10 marine leagues distant from the coast. From this point the line would follow a northerly and north-westerly direction, parallel to the sinuosities of the coast, and always at a distance of 10 marine leagues from the shore.

The coast, to the sinuosities of which the line was to be drawn parallel, was thus explained as being equivalent to the shore ("rivage"). (B. C., App., p. 71.)

When Mr. Canning was about to assent to the mountain boundary proposed by Russia, the Hudson's Bay Company, which was consulted at every step of the negotiations by Mr. Canning, understood that the proposed line "parallel to the sinuosities of the coast" was equivalent to "parallel to the sinuosities of the shore," for in subsequently advising Mr. Canning upon the Russian proposal, Mr. Pelly says that "those mountains represented in the charts as closely bordering on the sea, and described by the Russians as a "très petite" distance, may really be at a very considerable distance from the coast, and to provide for which case the distance ought to be limited, as Sir Charles Bagot proposed, to a few leagues, say not exceeding ten, from the shores." (B. C., App., p. 80.)

When the Russians accepted the 10-marine-league line parallel to the sinuosities of the coast, as proposed by Sir Charles Bagot, as an alternative line to be applied in case the mountain chain proved to run off into the interior, and when they signed the Treaty with the provision for that line, there had never been the slightest intimation that the word "coast" was used in any other sense than that ascribed to it by Sir Charles Bagot in his original proposal of the line, that is to say, as equivalent to shore.

That the Russians understood that the word "coast" was used in this sense appears clearly from the fact that while the draft Treaty proposed by Mr. Canning, and inclosed in his letter of the 12th July, 1824, contained the same words that are used in the Treaty, that the line should be "carried along that coast in a direction parallel to its windings" (B. C., App., p. 87). Count Lieven transmits the draft to Count Nesselrode in a letter which describes this line as running along the base of the mountains which follow the sinuosities of the shore ("les sinuosités du rivage"). (B. C., App., pp. 88, 89.)

That the negotiators understood that the shore which they were describing was one a line parallel to which would give Russia the heads of all the inlets is apparent from Sir Charles Bagot's description of the effect of his offer of the 10-marine-league line, already cited, in which he declares that it would give to Russia all the islands and the waters adjacent or which are to be found between the Russian establishment and the mainland (B. C., App., p. 73), and by

the letter of the Hudson's Bay Company to Mr. Canning, in which Mr. Pelly says that he is at a loss to understand "why Great Britain should cede to Russia the exclusive right to the islands and the coast from latitude 54° 40′ northward to Mount Elias" (B. C., App., p. 81). An arrangement under which substantially all the harbours and ports for trade on the coast were retained by Great Britain certainly would not be a cession of the exclusive right to the coast. If Great Britain was retaining the most valuable part of the coast it was unknown to the Hudson's Bay Company, upon whose settlements Great Britain based all her claims to territory, which was conducting all the trade that Great Britain was endeavouring to protect, which was most familiar with the country to which the Treaty related, most interested in the result, and which was consulted at every step of the negotiations. If Mr. Canning had considered that such was the effect of the proposed arrangement, a prompt explanation of his advisers' mistake would have followed, and a modification of the terms of the Treaty in such a way as to make it clear that he was not ceding an exclusive right to the whole coast.

In the face of this clear statement by the Hudson's Bay Company of their understanding that the effect of drawing a line either along the mountains or at 10 marine leagues from the shore would be to "cede to Russia the exclusive right to the islands and the coast, from latitude 54° 40′ northward to Mount Elias," the absence of any single word in the Treaty, or any draft of it, or in any of the negotiations, referring in any way whatever to Great Britain's having the heads of the bays and inlets, or the territory about them, has a special significance, and indicates most clearly that no such idea was entertained by the British negotiators.

It is argued by Counsel for Great Britain that Article VII of the Treaty, which gives to the vessels of the two Powers reciprocal rights to frequent the inland seas, gulfs, havens, and creeks on the coast mentioned in Article III, shows that Great Britain was the possessor of inland seas, gulfs, havens, and creeks on the coast along which the *lisière* ran, that is, between latitude 54° 40′ and latitude 60°. The argument is that Article VII applies exclusively to that part of the coast, and it is to be inferred, therefore, that the reciprocal rights which were granted on the part of Great Britain in that Article were rights to inlets, &c., which she had under the Treaty in that part of the coast.

But the coast mentioned in Article III is the "coast of the continent." It is true the same Article describes the boundary of the *lisière* as being parallel to the coast, but there is no warrant whatever for limiting the reference of Article VII to anything less than the possessions of the two parties upon the coast of the continent—the entire coast mentioned in Article III. If Great Britain had no other possessions upon the coast of the continent in which she could give reciprocal rights to Russia, there would be some force in the argument, but by the terms of this very Treaty the coast from the head of the Portland Canal to the southern limits of the Russian claims, viz., latitude 51°, was assigned to Great Britain, and upon that stretch of coast, a part of the coast mentioned in Article III, there were numerous gulfs, havens, and creeks. The terms of Article VII are, therefore, entirely satisfied, without assigning the rights granted by Great Britain to any part of the coast north of the head of the Portland Canal.

The view that the grant by Great Britain in Article VII was intended to apply, not to the *lisière*, but to the coast to the south of it, is supported by the fact that by the terms of the Treaty of 1818 between the United States and Great Britain, those countries acknowledged equal rights, each in the other, to the coast south of 54° 40′, and that Article VII of the Treaty now under consideration was taken bodily from the Treaty of the 5th April, 1824, between Russia and the United States, which, in the same words, granted reciprocal rights in the possessions of the two parties on "the north-west coast of America." The provision of the American Treaty could not have been intended to confer upon Russia any rights except below 54° 40′, for America had none. The natural inference from the incorporation of this same provision into the British Treaty would be that it was intended to give Russia the same rights from the co-tenant of the same coast.

A further examination of the history of Article VII leaves no doubt that instead of the grant of rights by Great Britain to Russia in that Article being intended to apply exclusively to the coast of the *lisière*, it was intended to apply exclusively to the coast below the *lisière;* for the first appearance of the Article was in the draft Treaty prepared by Mr. Canning, and inclosed by him in his letter to Sir Charles Bagot of the 12th July, 1824. In that draft Mr. Canning proposed, in Article III, a provision, not that there should be reciprocal rights in regard to the *lisière*, but that Russia should

grant to British subjects a perpetual right to navigate and trade along the coast of the *lisière;* while the reciprocal provision for ten years, which now constitutes Article VII, was proposed as Article V of the draft, "with regard to the other parts of the north-west coast of America" (B. C., App., p. 87). This was after the American Treaty of 1824, and Article V of Mr. Canning's draft, providing for reciprocal relations in the other parts of the north-west coast, copied the language of the American Treaty. As England had unquestionably no interests in the parts of the north-west coast other than the *lisière*, except south of the *lisière*, the reciprocal provision proposed by Mr. Canning in Article V of his draft applied, so far as it involved a grant of right by Great Britain, solely to the same coast which was affected by the American grant in the Treaty of 1824.

Russia refused to grant to British subjects the perpetual right to trade in the *lisièr* , but expressed a willingness to give such a right for ten years, and she carried into the Treaty of 1825, now under consideration, the reciprocal provision which Mr. Canning proposed as to the other parts of the north-west coast, unchanged, except that the words "other parts" were stricken out; so that the reciprocal clause operated not only to accomplish the original effect of a British grant of rights to Russia below the *lisière* for ten years, but also of a Russian grant to British subjects of rights in the *lisière* for ten years.

There is absolutely no ground for claimant that, in broadening the scope of Mr. Canning's original reciprocal provision so that it would include a grant by Russia in the *lisière*, it was intended to exclude the other parts of the coast, to which solely the provision originally applied.

The maps which we have said furnished an interpretation of the Treaty by the parties includes;—

The Russian Admiralty Chart of 1826 (U. S. Atlas, No. 11); the Russian Admiralty Chart of 1844 (U. S. Atlas, No. 22, British Atlas, No. 15); Atlas sent by Sir J. H. Pelly, the Governor of the Hudson's Bay Company, 13th September, 1849, to Earl Grey, as part of a statement of the rights as to territory, trade, taxation, and government, claimed and exercised by the Hudson's Bay Company, and printed in the Parliamentary Papers of the House of Commons, 11th July, 1850 (U. S. C.-C., p. 253; British Atlas, No. 19); map produced by Sir

It is more fully stated in the observations of the Russian Plenipotentiaries upon the proposal of Sir Charles Bagot in February 1824 to assign to Russia a strip with the uniform width of 10 marine leagues from the shore, limited on the south by a line between 30 and 40 miles north from the northern end of the Portland Canal. They then said:—

The motive which caused the adoption of the principle of mutual expediency to be proposed, and the most important advantage of this principle, is to prevent the respective establishments on the north-west coast from injuring each other and entering into collision.

The English establishments of the Hudson's Bay and North-west Companies have a tendency to advance westward along the 53° and 54° of north latitude.

The Russian establishments of the American Company have a tendency to descend southward toward the fifty-fifth parallel and beyond, for it should be noted that, if the American Company has not yet made permanent establishments on the mathematical line of the 55th degree, it is nevertheless true that, by virtue of its privilege of 1799, against which privilege no Power has ever protested, it is exploiting the hunting and the fishing in these regions, and that it regularly occupies the islands and the neighbouring coasts during the season, which allows it to send its hunters and fishermen there.

It was, then, to the mutual advantage of the two Empires to assign just limits to this advance on both sides, which, in time, could not fail to cause most unfortunate complications.

It was also to their mutual advantage to fix these limits according to natural partitions, which always constitute the most distinct and certain frontiers.

For these reasons the Plenipotentiaries of Russia have proposed as limits upon the coast of the continent, to the south, Portland Channel, the head of which lies about (par) the fifty-sixth degree of north latitude, and to the east the chain of mountains which follows at a very short distance the sinuosities of the coast. (U.S.C., App., p. 161.)

The reply of Sir Charles Bagot was that the line proposed by him would secure the advantage desired by Russia. He said:—

Any argument founded on the consideration of practical advantage to Russia could not fail to have the greatest weight, and the Plenipotentiary of His Britannic Majesty did not hesitate to give up, in consequence of this observation of the Russian Plenipotentiaries, the line of demarcation which he had first proposed . . . and to offer another which would secure to Russia not only a strip on the continent opposite the southernmost establishment which she possesses on the islands, but also the possession of all the islands and waters in its vicinity, or which are situated between that establishment and the mainland ("terre ferme"), in short, possession of all that could in future be of any service either to its stability or its prosperity. (U.S.C., App., p. 163.)

head of the Lynn Canal, without a single map, or paper, or act, or word indicating the existence of any differing view on the part of their Governments, certainly does lead to a strong inference that their Governments understood the Treaty consistently with the maps, and not inconsistently with them.

It would be a strange thing if, six years after the Treaty was made, the British Colonial Office recorded the limits of the British possessions in North-west America inconsistently with the views of the British Government; that for fifty years after the making of this Treaty of 1825, the British Admiralty should issue the charts which constituted the guide for the vessels of the British Navy, putting down upon them the heads of the bays and inlets in Southern Alaska as being Russian waters, if the British Government regarded them as British waters; that the Government of British Columbia, the Canadian Department of the Interior, Department of Railroads and Geological Survey, should all be mistaken regarding the construction which the British Government put upon this Treaty. It would be a still stranger thing if Mr. Pelly, Governor of the Hudson's Bay Company, who was Mr. Canning's adviser throughout the negotiations of the Treaty, and Sir George Simpson, who was the Resident Governor in America, both at the time the Treaty was made and at the time the Hudson's Bay Company leased the property from the Russian American Company, both were ignorant of the construction put upon the Treaty by the British Government, and, being in charge of the great interests directly affected by that construction, continued the rest of their lives in that ignorance.

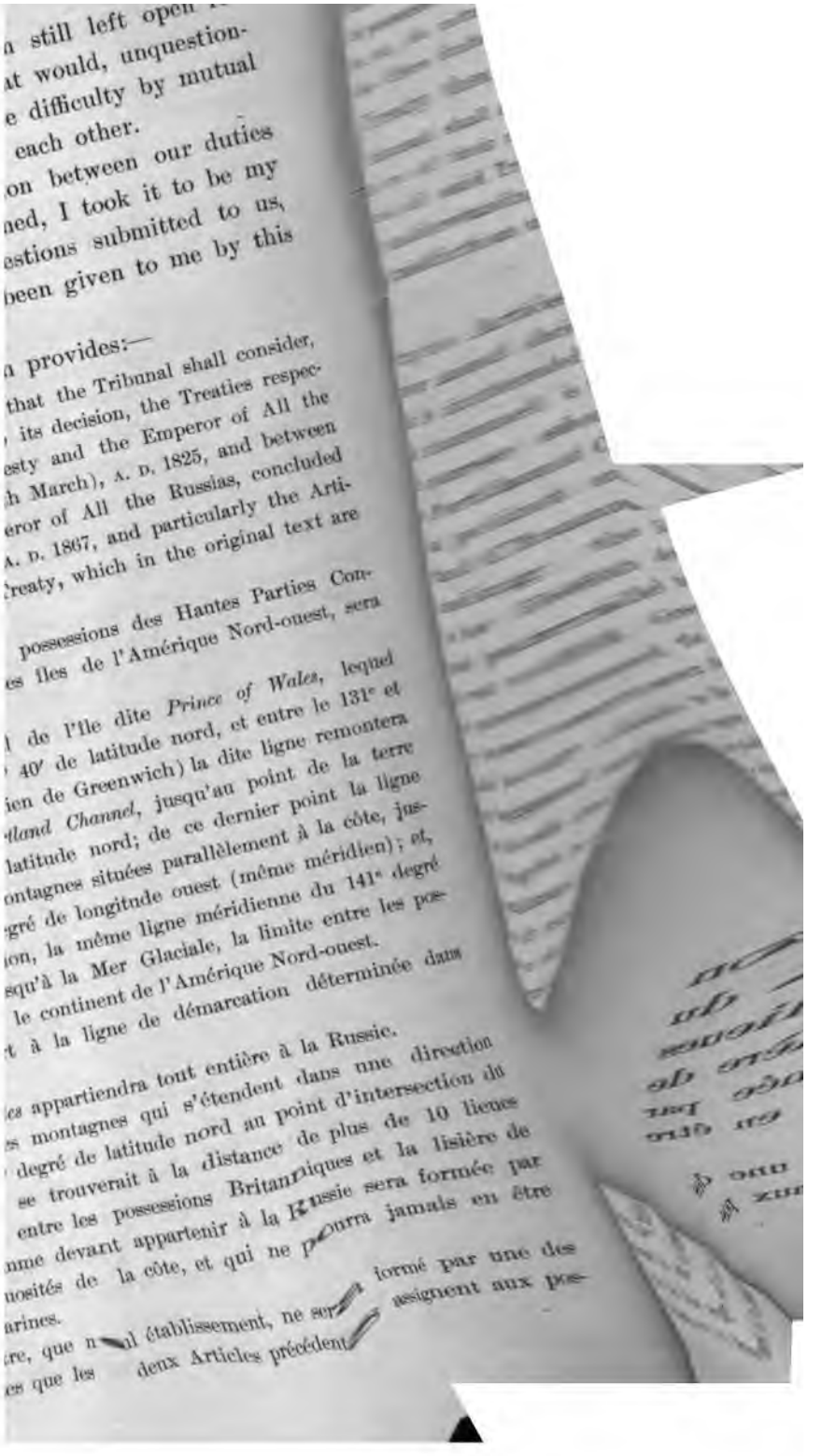
It is impossible to resist the conclusion that the construction of the Treaty now contended for by Great Britain is an after-thought, never entertained by any officer of the British Government during the lifetime of the makers of the Treaty, and originated at least sixty years after the Treaty was signed.

The principal feature of Russia's occupation of Alaska was that in 1839 the Russian American Company, with the express assent of the Russian Government, leased to the Hudson's Bay Company the mainland coast from Cape Spencer to the Portland Canal, and that this lease was renewed from time to time until the American purchase. The terms of the lease were apt to describe the entire coast, and the maps showing the leased territory, which were furnished to the British Government by Sir J. H. Pelly in 1849 and Sir George

Simpson in 1857, showed that territory to include the heads of the bays and inlets and all the land surrounding them. It is conceded that the British Government knew of the lease, for it was given in settlement of a claim which the British Government was pressing against the Russian Government, the subject of a diplomatic controversy regarding the construction of the Treaty of 1825. The knowledge of the territory leased is brought home to the British Government by the last-mentioned maps. If the Government of Great Britain considered that the true construction of the Treaty gave to that Government, and therefore to the Hudson's Bay Company, the heads of the inlets and the territory surrounding them, it is quite impossible that, without a word upon that subject, the Hudson's Bay Company should have recognized Russia's title to that very territory by becoming a tenant.

Upon the purchase of Alaska by the United States in 1867, the officers of the United States took formal possession, with appropriate ceremonies, of the territory at the head of the Lynn Canal, and the officers of the Hudson's Bay Company surrendered the possession which they had therefore held as tenants of Russia, and departed, leaving the head of the Lynn Canal in the possession of the United States. From that time until the present the United States has retained that possession, and has performed the duties and exercised the powers of sovereignty there.

For certainly more than twenty years after that, there was not a suggestion from the British Government that the possession was not rightful. In the meantime, the Naval and Military officers of the United States governed the Indians who lived at the heads of the inlets; those Indians were included in the United States' Census; order was enforced among them, and their misdeeds were punished by the United States; a public school and mission schools were established at the head of the Lynn Canal, under the auspices of the United States' Government; the land laws of the United States were extended over the territory, and mineral claims were located in the territory now in question; the revenue laws of the United States were extended over the territory, and were enforced in the territory in question; foreign vessels were forbidden to unload at Chilkat, and obeyed this prohibition; a post-office was established at the head of the Lynn Canal; an astronomical station of the United States' Coast Survey was established there; factories for the canning of salmon were erected and operated



the canal to be much broken, through which was a passage leading S.S.E. towards the ocean. We passed this in the hope of finding a more northern and westerly communication, in which we were not disappointed, as the channel we were then pursuing was soon found to communicate also with the sea, making the land to the south of us one or more islands. From the north-west point of this land, situated in latitude 54° 45½′, longitude 229° 28′, the Pacific was evidently seen between N. 88 W. and S. 81 W.

Adding finally (under date 15th August):—

In the forenoon we reached that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles, which, in honour of the noble family of Bentinck, I named PORTLAND CANAL.

When this second question was put to the Commissioners, at the time of rendering the Award, every one of them, as will appear by the official Report, answered that Portland Channel was the channel that passed—contrary to the American contention—to the north of Pearse and Wales Islands.

But on a sub-question being put, the majority of the Commission decided that after passing north of Pearse and Wales Islands, it should pass south of Sitklan and Kannaghunut Islands, which lie directly to the westward of Pearse and Wales Islands; should make a curve there, and, abandoning its northern course, should reach the sea through Tongass Passage instead of following the continuous straight line which, a moment before, had been found to be the proper one.

I voted against this sub-proposition, because I found that it was totally unsupported either by argument or authority, and was, moreover, illogical. The Commission had, just a moment before, decided—and very properly, I believe—that Portland Channel, as described by Vancouver, was that channel indicated on all the maps as running straight to the sea; it had refused to accept the contention of the United States to have it leave its northern course, and, making a curve at Pearse Island, to run through Observatory Inlet, and all at once it is decided that this very channel shall make a curve lower down, that it will now leave its straight northern course and run into the sea through Tongass Passage.

I can only say that if this decision is a correct and just one, I am very much afraid that the majority of the Commission has committed an injustice towards the United States in refusing to admit its contention that the channel ought to make that curve a little

higher up, at the head of Pearse Island, which solution would appear, to any one having studied the map, a much more sensible and reasonable one than that which has been adopted.

The result of this last decision, on the sub-question above mentioned, is to deprive Canada of the two islands which lie at the very entrance of Portland Channel, Sitklan, and Kannaghunut Islands. It will strike the eye of everyone who looks at the map that the position of those two islands, at the entrance of the channel, is a most important one from a military point of view, and that the loss of them to Canada may be felt seriously in the future.

3RD QUESTION.

"What course should the line take from the point of commencement to the entrance to Portland Channel?"

The answer of the majority of the Tribunal to this question is as follows:—

"A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner decide that the course of the line from the point of commencement to the entrance of Portland Channel is the line marked A B in red on the aforesaid map."

The line indicated in this answer is a direct line from Cape Muzon to the south entrance of Tongass Passage.

This being in opposition to the language of the Treaty, which is: "Commencing from the southernmost point of the island called Prince of Wales Island, ... the said line shall ascend to the north along the channel called *Portland Channel;*" I feel bound to differ from the decision of the majority. *Tongass Passage*, as I have stated, on the previous question, is not *Portland Channel*, and the Treaty says that the line shall be drawn along Portland Channel, but does not say that it can be drawn along Tongass Passage.

4TH QUESTION.

"To what point of the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?"

This has been answered as follows:—

"A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner decides that the point to which the line is to be drawn from the head of Portland Channel is the point on

the 56th parallel of latitude marked D on the aforesaid map, and th course which the line should follow is drawn from C to D on th aforesaid map."

The decision on this point is not of great importance, as it affect only a few miles of territory. I must say, however, that it is not i accordance with the rule given by the Treaty, which requires that from this point, the 56th degree of north latitude, "the line of demar cation shall follow the summit of the mountains situated parallel t the coast, ... and that whenever the summit of such mountain . . . . shall prove to be at a distance of more than 10 marine league from the ocean, the limit shall be formed by a line parallel to th windings of the coast, and which shall never exceed the distance of 1 marine leagues therefrom."

But, as I have just said, the territory affected by this decisio is not of great importance, and the rule adopted by the majorit on this point will, I may add, be examined further on, when dealin with Question 7.

5TH QUESTION.

"In extending the line of demarcation northward from said poin on the parallel of the 56th degree of north latitude, following th coast of the mountains situated parallel to the coast, until it intersection with the 141st degree of longitude west of Greenwich subject to the condition that if such line should anywhere excee the distance of 10 marine leagues from the ocean, then the boundar between the British and the Russian territory should be formed b a line parallel to the sinuosities of the coast, and distant therefro not more than 10 marine leagues, was it the intention and meanin of said Convention of 1825 that there should remain in the exclu sive possession of Russia a continuous fringe or strip of coast o the mainland, not exceeding 10 marine leagues in width, separatin the British possessions from the bays, ports, inlets, havens, an waters of the ocean, and extending from the said point on the 56t degree of latitude north to a point where such line of demarcatio should intersect the 141st degree of longitude west of the meridia of Greenwich?"

The answer to this question, in the Award rendered by th majority, is in the following terms:—

"A majority of the Tribunal, that is to say, Lord Alverston

Emperor Alexander the First, wishing to grant additional favour to the Russian American Company, had published, in 1821, by a Ukase bearing date the 4th September, a regulation prohibiting all foreign vessels from approaching the coasts of this part of the Russian territory within less than 100 Italian miles.

The two great maritime nations, Great Britain and the United States, could not acquiesce in a prohibition so completely antagonistic to the rules of international law and to the interests of commerce. Consequently, representations were made to the Russian Government.

In the course of the negotiations which followed, the question of maritime supremacy over a distance of 100 Italian miles was soon settled, as stated in a despatch of Mr. George Canning to Sir Charles Bagot, bearing date the 15th January, 1824. Mr. Canning clearly and concisely analyses the situation in the following terms:—

> The questions at issue between Great Britain and Russia are short and simple.
>
> The Russian Ukase contains two objectional pretensions: first, an extravagant assumption of maritime supremacy; second, an unwarranted claim of territorial dominion.
>
> As to the first, the disavowal of Russia is, in substance, all we could desire.

The only thing remaining to be settled, therefore, was the question of the frontier.

Russian establishments at that date were more especially on the islands, and Count Nesselrode acknowledges that on the continent they had none below the 57th degree of latitude. These establishments were therefore the ones whose protection was specially desired and intended, and we will now see that it was in that spirit that the negotiations, which were to end in this Treaty of 1825, were begun and continued.

In order to indicate the true character of these negotiations, a few quotations will be sufficient.

In a despatch dated the 3rd November, 1823, and addressed to Count Nesselrode, M. de Poletica, giving the account of an interview he had had with Sir Charles Bagot, His Britannic Majesty's Ambassador to St. Petersburgh, says:—

> In the midst of this argument the British Ambassador suddenly suspended the discussion in order to tell me that his Government had, after all, no intention of discussing the territorial question according to the abstract principles of public law or of international law; that that would have the effect of rendering the discussion interminable; that the Cabinet of London expected a more satis-

factory result, for the two parties interested, from an amicable arrangement which would be based only upon mutual consent, and that his instructions had been drawn up in that spirit.

I replied to Sir Charles Bagot that in the matter in question, so far as I could foresee the views of the Imperial Government, I believed that I could take upon myself boldly to assure him that they were in perfect agreement with those of the Cabinet of London.

The position of both parties is therefore clearly defined by these very plain and very full declarations.

Let us see now what were the claims of Russia as to this strip of territory, which is the subject of the present difficulty.

As I have already said, Russian establishments at that time were more especially situated on the islands, and the Russian Plenipotentiaries openly declare that it is for the protection of those establishments that they require this strip of territory on the coast of the mainland, coming so far down towards the south, when the principal line of separation between the possessions of the two Empires on this continent was, however, to be placed much higher up.

So we find in the counter-proposition offered by Russia, in answer to a draft of Convention submitted by Sir Charles Bagot in March 1824, the following declaration:—

The principal motive which forces Russia to insist upon retaining the sovereignty over the strip of land described previously on the mainland from the Portland Canal as far as the point of intersection of the 60th degree of latitude with the 139th degree of longitude is that, if deprived of this territory, the Russian American Company would be left without any means of supporting the establishments, which would thereby be left without any support, and could not have any strength nor solidity.

A few days later (29th March, 1824), in the document containing the final answer to the British proposition, the Russian Plenipotentiaries, affirming their previous claims, also say:—

The Emperor instructs his Plenipotentiaries to declare once again to the Ambassador of England—

That the possession of Prince of Wales Island without a portion of territory *on the coast opposite* this island could not be of any use to Russia.

That any establishment formed on the said island, or on those around it, would, in some manner, be turned by the English establishments of the mainland, and be completely at the mercy of the latter.

On the 5th April following Count Nesselrode, in a despatch to Count Lieven, Russian Ambassador to London, says:—

In order to avoid intersecting the Prince of Wales Island, which, according to this arrangement, should belong to Russia, we proposed to carry the southern fron-

tier of our domains to the 54th degree 40 minutes of latitude, and to make it strike on the continent the Portland Canal, the mouth of which, on the ocean, lies at the height of Prince of Wales Island, and the head inland between the 55th and 56th degree of latitude.

This proposition only secured to us *a narrow strip on the coast* itself, and left to the English establishments all the space required for their increase and extension.

And a little further on he adds:—

As for us, we restrict our demands to a small strip (*lisière*) of coast on the continent, and in order to dispel all objections whatsoever, we guarantee the free navigation of the rivers, we proclaim the opening of the Port of Novo-Archangelsk.

One month later, Count Nesselrode in another despatch to Count Lieven again says:—

If the principle of reciprocal convenience is advocated, Russia gives up for the progressive extension of the English establishments a vast extent of coast and of territory; she guarantees free markets; she makes provision for the interests of their trade, and, as a compensation for so many offers inspired by the sincerest spirit of conciliation, she reserves for herself only *a point of support*, without which it would not be possible for her to keep one half of her dominions.

It is unnecessary to multiply these quotations.

Let us see now how—after coming to such an understanding—the final Convention was drafted.

A number of drafts and counter-drafts were exchanged between the Representatives of the two Governments, and it is interesting to note the successive changes made in the wording of those documents as to the strip of territory claimed by Russia.

In the draft of Agreement sent by Mr. George Canning to Sir Charles Bagot on the 12th July, 1824, it is stated, in Article II, that the line "shall be carried along the coast in a direction parallel to its windings, and at or within *the seaward base* of the mountains by which it is bounded."

Mr. Canning, in his letter inclosing this draft, uses the following expressions: "thence following the sinuosities of the coast, along the base of *the mountains nearest to the sea.*"

Article III of this draft then mentioned a width—to be determined upon—which this strip of land could not exceed.

This proposal was not accepted, and Count Nesselrode sent to Count Lieven a counter-draft, the terms of which, with regard to the *lisière*, he himself analyzes in the following terms: "Our counter-draft carries our boundary from the 51st degree of north latitude to 54° 40′. It leaves the establishments which the English

Was it M. Matusevich's intention, in substituting this word *sea*, to the word *Pacific* which had been used by Mr. Canning, to weaken the force and bearing of the expression chosen by him? It is impossible to know; but one thing is certain, however, and it is that if such was his intention it was not realized, the Treaty in its definite form using the word "*ocean*," which, in this instance, is the equivalent of the expression used by Mr. Canning.

Thus the second paragraph of Article IV of the Treaty of 1825 provides:—

Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest, se trouverait à la distance de plus de 10 lieues marines *de l'océan*, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de 10 lieues marines.

It is a well-known rule in the interpretation of contracts that one of the safest modes of arriving at the true intention of the parties is to take into consideration the circumstances which have led to the settlement, to study the claims which each party pressed upon the other, and to ascertain the end which it would have wished to secure.

Now, if I apply this rule to the Treaty of 1825, it seems to me impossible to arrive at the conclusion that the intention of the parties to this Treaty was that this strip of territory should be traced so as to run up to the source of all the rivers, and to the head of all the inlets, which passed through this strip to reach the sea.

This, however, is the meaning which a majority of the Tribunal has given to this Treaty when by an interpretation of the word *coast*, which appears to me to be forced and untenable under the circumstances, they are led to say that Lynn Canal is the ocean, and that the coast of the ocean means equally the coast of Lynn Canal!

I cannot accept this interpretation. My humble opinion, after having maturely considered the documents from which I have taken the quotations made above, is that those who prepared and drafted this Treaty of 1825 never contemplated such a result. Consequently, leaving aside the learned distinctions which were pressed upon us as to the meaning of the word coast, to retain only what I believe was [illegible]tention of the parties, I still say that even if we were to consider [illegible]f the sea, or even as an inland sea, the coast of

There is, in my country, one of the largest rivers of the world, and I have often heard it said by some of my compatriots, when contemplating with pride the immense sheet of water at its mouth: "Why, but this is the sea!"

However, it has not yet entered the mind of any one to say: "This is the ocean!"

It has been reserved for Lynn Canal to be raised to that dignity!

6TH QUESTION.

"If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière* which was to belong to Russia be measured—(1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets?"

The majority of the Tribunal declares that:—

"Question 5 having been answered in the affirmative, Question 6 requires no answer."

The opinion of the members of the Tribunal on this question, moreover, is made apparent from the views expressed on the other question, and it would be useless to add anything more.

7TH QUESTION.

"What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains when within 10 marine leagues from the coast, are declared to form the eastern boundary?"

Answer:—

"A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the mountains marked S on the aforesaid map, are the mountains referred to as situated parallel to the coast, where such mountains marked S are situated.

"Between the point marked P (mountain marked S 8,000) on the north and the point marked T (mountain marked S 7,950), in the absence of further survey the evidence is not sufficient to enable the

Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty."

Article III of the Treaty of 1825, after declaring that the line of demarcation shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude, adds:—

From this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude.

Article IV, § 2, then provides:—

That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

The contention of the United States, on this point, is stated in the following words, on p. 206 of the Case:—

The United States request the Tribunal to answer and decide that such mountains (as mentioned in question 7) do not exist within 10 marine leagues from the coast.

This, however, cannot be said to express correctly what was argued before the Tribunal on this question. It would perhaps be safer to say that the real contention of the United States, on this point, was that in the intention of the negotiators of the Treaty the line was to follow a chain of mountains, and that there being no such chain, the line was to be drawn at a uniform and regular distance of 35 miles from the coast.

It was also suggested, in the argument, that the word *crest* carries with it the indication of a continuous chain or range of mountains, and that this does not exist within the limit of the 10 leagues.

The British contention was that mountains answering the description of the Treaty do exist.

The evidence on this point clearly establishes the contention of Great Britain.

Mr. King, chief astronomer of the Department of the Interior, at Ottawa, in his Affidavit (p. 307, British Case Appendix), says:—

Throughout its entire length, from the 56th parallel to Lynn Canal, the coast is bordered by mountains 3,000 to 5,000 feet in height, having rocky peaks and ridges. Their summits average 5 or 6 miles in distance from the sea, and in many

places they approach even nearer. These mountains preserve for considerable distances much uniformity of height, and also of direction, forming elongated mountain masses lying with their lengths parallel to the general line of the coast. Penetrating inlets and valleys separate these mountain masses from one another, but without greatly disturbing their continuity of direction.

And on p. 308:—

Hence a line following mountain summits parallel to the general line of the mainland is possible, subject only to the breaks caused by inlets and river valleys, which breaks are comparatively short compared with the lengths of the continuous lines of the mountain summits.

The decision of the Tribunal, on this point, is adverse to the contention of the United States; it acknowledges that the Treaty does not call for a continuous chain of mountains, and that those mountains which exist along the coast, answer the requirements of the Treaty for the tracing of the line-frontier.

I entirely concur in the foregoing part of the decision of the Tribunal on this question, but I stop there, and cannot follow the majority in the adoption of its system for the demarcation of the line.

The Treaty of 1825 clearly indicates, in my opinion, that the mountains which were to constitute the boundary-line, were those *nearest to the coast*. In fact, when the Treaty says: "the summit of the mountains situate parallel to the coast," it evidently points to the mountains on the coast, those which are situated on the border of the coast, and if we were to suppose two chains of mountains, one parallel to the other, the one which would lie the farthest from the coast would not be situated parallel to the coast, but it would be situated parallel to the other chain of mountains. Therefore, the first range of mountains, the one nearest to the coast, is the one which is alone indicated by the Treaty. This, to me, seems unanswerable.

But a few quotations from the opinions of those who have negotiated this Treaty, will render the point still more evident.

Mr. George Canning, in a despatch to Sir Charles Bagot, dated the 12th July, 1824, says:—

His Majesty's Government have resolved to authorize your Excellency to consent to include the south points of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales Island from south to north through Portland Channel, till it strikes the mainland in latitude 56, thence following the sinuosities of the coast, along the base of the *mountains nearest the sea* to Mount Elias . . . . .

Count Lieven, in a Memorandum which he prepared on the North-west Coast Convention (24th July, 1824), says:—

In the case now under consideration, the word *base*, by the indefinite meaning which it presents, and the greater or less extension which can be given to it, would appear hardly suitable to secure the delimitation against subsequent disputes, for it would not be impossible, in view of the little exactness of the geographical ideas which we as yet possess as to these regions, *that the mountains designated as the boundary should extend*, by an insensible slope, *down to the very border of the coast*.

In his despatch to Count Lieven, bearing date the 20th February, 1825, Count Nesselrode again mentions "the natural frontier formed by *the mountains bordering on the coast*."

There is, therefore, no doubt in my mind that the mountains indicated by the Treaty are those situated nearest to the coast.

Nevertheless, instead of following the evident meaning of the Treaty, the majority of the Tribunal has adopted a line which, at a number of points of its course, rests on mountains which lie far from the coast, and are separated from it by nearer ones, which ought consequently to have been chosen in their stead, as the points of demarcation of the line.

I found it impossible, under such circumstances, to concur in this arbitrary determination of a line which, although it does not concede all the territory they claimed to the United States, nevertheless deprives Canada of the greater part of that to which she was entitled.

October 22, 1903.

(Signed) L. A. JETTÉ.

OPINION OF MR. A. B. AYLESWORTH.

AS the majority of the members of the Tribunal have arrived at a conclusion which is entirely opposed to what, "according to my true judgment," is the plain meaning of the Treaty we have to interpret, it appears necessary that I should state as briefly as I am able a few of the many reasons which compel me to dissent altogether from their Award.

With regard to the point of commencement of the boundary line no question arises, as all parties agree that it is Cape Muzon.

Upon the second question I quote the words of the President of this Tribunal, the italics, except in one instance, being my own.

Among the facts relating to Portland Channel he finds—

> That the latitude of the mouth or entrance to the channel called Portland Channel, *as described in the Treaty and understood by the negotiators*, was *at* 54° 45′.
>
> * * * * * * *

Among the general considerations which support his conclusion he states that—

> Russia and Great Britain were negotiating as to the point *on the coast* to which Russian dominion should be conceded. It is unnecessary to refer to all the earlier negotiations; but it is distinctly established that Russia urged that her dominion should extend to 55° of latitude, and it was in furtherance of this object *that Portland Channel, which issues into the sea at* 54° 45′, *was conceded and ultimately agreed to by Great Britain.* No claim was ever made by Russia to *any of the islands south of* 54° 45′ except Prince of Wales Island, and this is the more marked because she did claim the whole of Prince of Wales Island, a part of which extended to about 54° 40′.
>
> The islands between Observatory Inlet and the channel, to which I have referred above as the Portland Channel, are *never mentioned in the whole course of the negotiations.*

These extracts are from Lord Alverstone's Memorandum, expressing his considered judgment on this branch of the case. These conclusions have been arrived at after full discussion among ourselves of the answer which, upon the evidence, should be given to

the second question—in which discussion each member of the Tribunal has stated, at length, his individual views. Concurring, as I do, in the findings of fact stated in this Memorandum, I should have contented myself with differing from the conclusion reached but for the course our proceedings have taken.

Consideration of the second question has been to-day resumed, and by unanimous vote of the Tribunal it has been affirmed that each member, "according to his true judgment," believes the Portland Channel mentioned in the Treaty to be the channel extending towards the sea from latitude 55° 56′, and lying to the north of Pearse and Wales Islands. But, notwithstanding this unanimous finding of fact, it has been, by the majority of the Tribunal, decided that the boundary line, starting from Cape Muzon, shall run to the south, instead of to the north, of Kannaghunut and Sitklan Islands, and so shall enter Portland Channel between Sitklan and Wales Islands.

This course for the boundary is directly opposed to the distinct findings made, and the whole line of reasoning adopted by the President in his Memorandum of reasons for the decision. It is a line of boundary which was never so much as suggested in the written Case of the United States, or by Counsel, during the oral argument before us. No intelligible reason for selecting it has been given in my hearing. No Memorandum in support of it has been presented by any member of the Tribunal, and I can, therefore, only conjecture the motives which have led to its acceptance.

It is admitted by everybody as absolutely clear and indisputable that on the occasion of his naming Portland Canal, Vancouver, in his exploration of that channel, traversed it from its head inland to its entrance into the ocean in latitude 54° 45′, that, in so doing, he sailed down Portland Channel, along the passage north of Pearse and Wales Islands, and straight onward to the sea through the passage north of Sitklan and Kannaghunut Islands. Every one knows and admits that Vancouver never traversed the passage between Sitklan Island and Wales Island, through which this boundary line is now made to run. No more can it be pretended that this passage (which is now called Tongass Passage) was ever named by Vancouver, was ever treated by him, or by any mapmaker at any time, as in any way belonging to Portland Canal, or was ever thought of by those who negotiated the Treaty of 1825 as being any *part of* that channel.

The Lord Chief Justice finds as a fact, which the maps and documents establish, that *one* entrance of Portland Channel was between the islands now known as Kannaghunut and Tongass. I concur entirely in this finding, but must add that this entrance to the channel is the only entrance to it ever known, or in any way treated as part of the channel.

There is simply not the slightest evidence anywhere, that I am able to find, that either Vancouver or any subsequent explorer or mapmaker ever considered, or so much as spoke of, Portland Channel as having *two* entrances to the ocean, or as including the passage through which this boundary line is now made to run.

But even if there were two or more such entrances, Vancouver's narrative and maps absolutely fix the one he explored and named by giving its exact latitude to the minute—54° 45′. And the President finds, as a fact, that *this* mouth, or entrance, is the one "described in the Treaty and understood by the negotiators."

By what right, then, can this Tribunal, sitting judicially, and sworn to so determine and answer the questions submitted, reject the channel so "described in the Treaty and understood by the negotiators," and seek for a totally different channel, which, until now, no one ever thought of as any part of the Portland Channel mentioned in the Treaty?

I point to the additional circumstances so forcibly stated by my Lord. The whole negotiations were as to the "point on *the coast*" to which Russia's southern boundary should be carried. The Treaty fixes as that point the promontory of the mainland immediately to the north of Kannaghunut and Sitklan Islands, the latitude of which is 54° 45′. The next point of mainland coast to the southward is Point Maskelyne, and it, of course, is undisputably British territory. The islands which lie between were never asked for by Russia. As the President's Memorandum says, they were never so much as *mentioned* in the whole course of the negotiations. They lie wholly to the southward of 54° 45′, wholly to the southward of that entrance to Portland Channel which alone is "described in the Treaty," or was "understood by the negotiators," that is to say, wholly to the southward of the true boundary, and yet the majority of this Tribunal is prepared to take two of those islands from Canada and transfer them to the United States.

How can such a determination be reconciled with our duty to decide judicially upon the question submitted to us?

It is no decision upon judicial principles; it is a mere compromise dividing the the field between the two contestants.

The formal answer which the President's Memorandum makes to the question submitted is alone sufficient to condemn the boundary the Tribunal is making. *Question:* "What channel is the Portland Channel? *Answer:* The channel which runs to the north of . . . . . the *Islands of Sitklan* and *Kannaghunut*, and issues into the Pacific between Wales Island and Sitklan Island."

This language simply disregards entirely the relative position of the islands in question. Wales Island lies due east of Sitklan. But the channel which runs to the north of Sitklan and Kannaghunut joins the ocean there, and, therefore, of necessity issues into the Pacific at that place, and it is the undoubted mouth of Portland Channel. The Treaty makes Portland Channel the boundary, and if, as this answer formally states, Portland Channel is that channel which runs to the *north* of these two islands, such two islands are necessarily British soil.

The whole truth of the matter is simply this: that, as to Portland Channel, the case of Great Britain before us has been demonstrated to be unanswerable. By unanimous vote of this Tribunal it has been so declared. It was, therefore, impossible to avoid awarding to Great Britain the islands called Pearse and Wales. It is equally impossible upon any intelligible principle for a Tribunal, acting judicially, to hold that Portland Channel, immediately on passing Wales Island, makes a turn at right angles to itself, and runs between the Islands of Wales and Sitklan. The sole question presented to us for decision on this branch of the case was whether the Portland Channel of the Treaty lay north of the four islands or south of the four, and until to-day it has been uniformly admitted by everybody that all four of these islands belonged, all together, either to Great Britain or to the United States. Instead of so finding, the majority of the Tribunal have chosen to compromise with the plain facts of the case, and, while awarding Pearse and Wales Islands to Great Britain, have determined to make those islands valueless to Great Britain or to Canada by giving to the United States the islands called Sitklan and Kannaghunut. The latter

islands are of the utmost consequence, for they lie directly opposite to, and command the entrance to, the very important harbour of Port Simpson, British Columbia.

Upon such findings of fact as those above described, and after a solemn adjudication that the Portland Channel of the Treaty lies to the north of Pearse and Wales Islands, the taking of the two important islands, Sitklan and Kannaghunut, from Canada, and giving them to the United States by a proceeding said to be judicial, is, "according to my true judgment," nothing less than a grotesque travesty of justice.

In considering Questions 5, 6, and 7, the practical inquiry before us is where, upon the ground, the line of boundary described in the Treaty ought to be laid down. That line, from the 56th parallel to the 141st meridian, is to follow "la crête des montagnes situées parallèlement à la côte." Our duty is, therefore, to find what mountains those are which the High Contracting Powers intended to describe by the words just quoted.

To do so we must first determine the meaning of the words "la côte," by reference to which the particular mountains meant by the Treaty are to be identified.

It may be that the word "coast" is generally used as meaning the edge of the land next to the sea, or the line where the water and the land meet, though the double word "coast-line" would more accurately express that idea, but the word "coast" has another well-recognized signification. It frequently means the frontier of a country or territories near to the sea.

> Herod . . . . slew all the children that were in Bethlehem and in all the coasts thereof.—Matthew ii, 16.
>
> The Jews . . . . raised persecution against Paul and Barnabas, and expelled them out of their coasts.—Acts xiii, 50.

Exactly the same usage obtains in French in regards to the words "la côte."

In the Treaty of 1825 the word is used sometimes in the one sense, sometimes in the other, as the context will readily demonstrate.

The preamble speaks of the possessions of the two Powers "on the north-west coast of America."

Article I secures to the subjects of both Powers the right to land for purposes of trade at any unoccupied places "on the coasts."

Article II prohibits landing without permission at any establishment "on the north-west coast."

Article III defines a line of boundary between the possessions of the Powers "upon the coast of the continent."

Articles IV and VI each speak of "la lisière de côte" which is to belong to Russia.

In all these cases the word is used in its territorial signification.

But in Articles III and IV the word is used as well in another sense. By Article III the boundary line, on leaving the 56th parallel, is to follow the top of the mountains "situées parallèlement à la côte." By Article IV, if these mountains should anywhere turn out to be more than 10 leagues "from the ocean," the line is there to run parallel to the "sinuosités de la côte," but so as never to be more than 10 leagues away from it.

It is perfectly plain that "la côte" here does not mean territorial possessions. The word is undoubtedly used in the same Treaty and in the same Article of the Treaty in different senses.

With what signification, then, is the word used in the instances just quoted?

Plainly, in Article IV the meaning is synonymous with the edge "of the ocean." The 10 leagues spoken of are to be measured "from the ocean" or "from the coast." The result of the measurement must be the same in either case—therefore, water which is not the ocean cannot have a "coast-line" from which the measurement of the 10 leagues could be made.

This consideration alone seems to me to demonstrate that the head of such an inlet as the Lynn Canal forms no part of the coast-line within the contemplation of this Treaty. It would seem to me ridiculous to speak of a ship as making an ocean voyage while sailing along Lynn Canal. It may be answered that the waters of Stephen's Passage, or at the mouth of the Stikine, are not ocean either, and I agree that such waters are, by reason of the outlying islands opposite, territorial waters, and not the open ocean, but in this Treaty the Powers were, with reference to the *lisière*, dealing with mainland coast alone, and, in that regard, speaking and contracting exactly as though no islands existed, and as though the shore of the mainland were washed by the open sea.

Lynn Canal, from Point Couverden to Skagway, is some 90 miles in length, and of a width varying from 2 or 3 to 7 or 8 miles. It is

occupied at its mouth by islands which divide the entrance into three channels, of which the widest is not more than 3 nautical miles across, and each of the other two less than half that size. It is simply a land-locked lake of salt water, literally one of "les mers intérieures" mentioned in Article VII of the Treaty.

If it were a question of determining the coast-line of Lynn Canal itself, such line would undoubtedly cross these islands at the entrance, just as the coast-line of Lake Ontario would cross from island to island where the waters of the lake, flowing through the Thousand Islands, become the River St. Lawrence.

Such line, crossing at its narrowest part the entrance of Lynn Canal from shore to shore, passing over the islands which lie in such entrance and the three intervening channels of water, is literally the dividing line between Lynn Canal on the one side of it and the ocean on the other. Such line, in my opinion, is part of the line of "coast" mentioned in Article IV, and the descriptive portion of Article III, of the Treaty.

The whole negotiations leading to the Treaty of 1825 grew out of the Russian Ukase of 1821, prohibiting foreign vessels from approaching the coast of North-west America, within 100 miles. The language of the Ukase in which this prohibition is worded contrasts the coasts with the islands, and shows that the coast of the mainland was that from which the 100 miles were intended to be measured, and M. Poletica, writing to Count Nesselrode (November 3, 1823) so describes it, saying that this Edict had extended the maritime jurisdiction of Russia to the distance of 100 miles "des côtes de la terre ferme."

The mainland coast-line within the meaning of this Ukase would, beyond doubt, cross Lynn Canal at the entrance, and Russia would have laughed at a foreign navigator contending that his ship off the entrance to Lynn Canal, at say 30 miles distance, was not transgressing the Ukase, or that she was not within 100 miles of the coast, because she was more than 100 miles from the head of Lynn Canal inland.

Ignoring the presence of the islands in front of the *lisière*, as we must do in considering what meaning the makers of this Treaty attached to the words "la côte" when applying them to the mainland of the continent, it is too plain for argument to the contrary that the waters of Lynn Canal are territorial or inland waters, as distinguished from the main sea or the high sea.

It is the open uninclosed waters of the ocean, and not waters within the *fauces terræ* on the sea coast which constitute the high sea.

United States of America *v.* Grush (1829), 5 Mason 290.

Manchester *v.* Massachusetts (1890), 139 U. S., 139.

So, leaving the islands out of consideration, the mainland coast-line from which, if the islands were absent, one would have to measure the 3-mile strip of territorial sea water over which the Power owning the *lisière* would have jurisdiction would pass from headland to headland, following in a general way the windings of the natural shore, but never entering long and narrow inlets or departing substantially from the general trend of the coast.

That the Plenipotentiaries who negotiated the Treaty considered the coast as not ascending such an inlet as Lynn Canal is abundantly evident from their language. They considered the head of Lynn Canal as not ocean, but something very different. This is clearly shown by the language in which they speak of Portland Channel, an inlet of practically identical character, though not extending so far inland.

In their observations on Sir Charles Bagot's amended proposal (February–March, 1824), the Russians speak of Portland Channel as having its "origine dans les terres" at the 56th parallel.

In writing Count Lieven, under date the 5th (17th) April, 1824, Count Nesselrode says the Russians were willing to fix as their southern boundary Portland Canal "dont l'embouchure dans l'océan est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre les 55° et 56° degrés de latitude."

It certainly never could have been Count Nesselrode's idea that the head of Portland Canal, 80 miles from its "embouchure dans l'océan," was none the less ocean, and no more ought any one now to think he could persuade an impartial mind that the head of Lynn Canal, still further inland, was the Pacific Ocean.

Reference may well be made also to the language of the Russian "contre-projet" of August 1824, by Article 1 of which it is proposed that the boundary-line shall ascend Portland Channel "jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme."

In the draft of the proposed Treaty forwarded by Mr. George Canning to Mr. Stratford Canning on the 8th December, 1824, the boundary-line was described as to ascend Portland Channel till it

strikes "the coast" of the continent in the 56th degree of north latitude. Translating this document into the French language, Mr. Stratford Canning submitted his final "projet," in which it is proposed that the boundary-line shall ascend Portland Channel until it reaches "la côte de terre ferme" at the 56th parallel. M. Matusevich, for the Russian Government, recognizing the impropriety of describing the head of such a channel as "the coast," changed the phraseology into "l'endroit où cette passe se termine dans l'intèrieur de la terre ferme."

Surely, under such circumstances, Russia could never afterwards have pretended that the head of Portland Channel, or of any similar inlet, was upon the coast or formed part of the coast.

It seems to me equally an utter misapprehension and perversion of language to term a long, narrow fiord such as Lynn Canal a mere "sinuosité de la côte," parallel to the sides of which the Treaty intended this boundary-line to be drawn. The coast "parallèlement" to which the mountains forming the boundary are situate is, in my opinion, clearly the general trend or direction of the mainland coast-line, disregarding alike narrow inlets and narrow peninsulas—cutting off a headland, it may be, where physical features justify it, or crossing the mouth of an inlet as readily as though it were the mouth of a river. And it seems to me of much importance to note that this was the view adopted by the Superintendent of the United States' Coast and Geodetic Survey when issuing to his assistants instructions for their work of survey under the Convention of the 22nd July, 1892. It was upon this footing that the work of survey was done by the United States' and British Governments, and the object of such survey was to ascertain the facts and data necessary to the permanent delimitation of the boundary-line. This work, done upon this principle by the parties now litigating, affords to us by their Convention the information upon which the boundary-line must now be established in accordance with the spirit and true intent of the Treaty in regard to it.

From such general trend of mainland coast-line the inner boundary of the *lisière* can never be *more than* 10 marine leagues distant; it may be much less if, nearer to the coast, mountains exist such as the Treaty contemplates.

Such a coast-line will follow literally the windings of the coast ("les sinuosités de la côte"), but will not depart from such coast to

penetrate the interior 80 or 90 miles along a salt-water inlet any more than it would ascend for that distance a fresh-water river of possibly equal width.

If this is the true meaning of the words "la côte" as used in the Treaty in describing the boundary-line, such boundary-line must inevitably cross any inlet which is deeper than the maximum width of the *lisière* and leave the head waters of such inlet within British territory, and, in my judgment, the Treaty itself furnishes conclusive inherent evidence that such result was exactly what the Powers entering into it contemplated.

By Article VII of the Treaty the vessels of the two Powers were for ten years to be reciprocally at liberty to frequent, for purposes of fishing and trading, all the inland seas, gulfs, havens, and bays, "sur la côte mentionnée dans l'Article III."

What waters, then, were these, to frequent which the Russians were accepting from Great Britain a ten years' licence?

If it can be shown that these waters were those of the *lisière*, or that the Russians so understood, it follows that they contemplated the boundary-line at least possibly crossing inlets, and leaving the upper waters of such inlets within British territory.

The waters are those "sur la côte mentionnée dans l'Article III," but Article III speaks first of the possessions of the High Contracting Parties "sur la côte du continent," and afterwards of the boundary of the *lisière* on the mountains "situées parallèlement à la côte."

Is it, then, the coast of the continent or the coast of the *lisière* to which Article VII refers?

Let the history of the Article as traced from the negotiations give the answer.

Mr. George Canning first proposed it in his letter to Count Lieven of 29th May, 1824, and in his draft Convention forwarded from London on 12th July following.

As to the *lisière*, the proposal was (Article III, 2) that British subjects should *for ever* freely navigate and trade along its coast, nothing being offered to Russian subjects as to British waters *there*. But with regard to the other parts of the north-west coast of America, Article V proposed that for years the vessels of the respective Powers and of their subjects should reciprocally enjoy the liberty of visiting for purposes of fishery and commerce the gulfs, havens, and creeks in places not already occupied.

Article V in this draft did not affect the *lisière* now in question, and made no mention of any right to either Power to fish or trade in "les mers intérieures" of the other's territory. Article V, as so presented to Russia, was merely an offer by Great Britain of a temporary licence to fish and trade in British waters south of Portland Channel upon Russia according to Great Britain similar licence in respect of Russian waters west of Mount St. Elias. But the Russians were unwilling to concede to Great Britain the right to navigate and trade along the coast of the *lisière for ever*, and with regard to the other parts of the continental coast, having never asked from Great Britain any privileges of fishing or trading south of Portland Channel, they absolutely refused to grant to her similar privileges north of the 60th parallel, or, which is to say, west of Mount St. Elias.

In his letter to Count Lieven of 31st August (4th September), 1824 (App., Br. Case at p. 98, last paragraph, and p. 99 first paragraph), Count Nesselrode is emphatic and indignant in his declaration that except as to the *lisière*, no concession whatever in regard to either fishing, hunting, or trading would be made to Great Britain. Adhering firmly to this determination as the Russians did, refusing inflexibly to grant to Great Britain any fishing or trading privileges west of Mount St. Elias, with what grace could Russia have demanded what she had never before asked, viz., exactly such privileges in the British territories south of Portland Canal?

Nor was any such suggestion made. On the contrary, in the same letter Court Nesselrode was careful to point out (App., Br. Case, p. 99, last paragraph), that Russia was leaving free to the trade of future establishments which English Companies might form on the north-west coast "tout le territoire situé au midi du Portland Channel."

After consideration of Count Nesselrode's despatch, Mr. George Canning, on the 8th December, 1824, instructed Mr. Stratford Canning to conclude the Treaty, accepting in above respects the objections of Russia, and saying—

> We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories.

This was in its very terms that which alone Russia had signified she would agree to, viz., reciprocity in access and commerce limited in time to ten years, and limited in extent to the waters between Mount

St. Elias and Portland Canal. Between these points Britain could not possibly have any waters to give except the heads of inlets.

In the draft Convention which accompanied these instructions to Mr. Stratford Canning, the Article which is now No. VII of the Treaty was amended by inserting therein the words "the inland sea" before the words "gulfs, havens, and creeks," which alone had appeared in the corresponding Article of the draft Convention sent by the same Minister to Sir Charles Bagot five months before.

There is no body of water between Mount St. Elias and Portland Channel of which these words are so apt a description as they are of Lynn Canal.

In his "projet," submitted to the Russian Plenipotentiaries, Mr. Stratford Canning changed the words "the inland sea" to "toutes les mers intérieures," as they stand in Article VII of the Treaty as signed.

In Mr. Stratford Canning's "projet," as amended by the Russians in the handwriting of M. Matusevich, it is absolutely clear that the Russians understood the ten years' licence of fishing and trading they were giving to the British, and reciprocally receiving from the British, related to the waters of the *lisière*, and to no other waters whatever. The wording of the Article is "toutes les mers intérieures, les golphes, havres, et criques dans les parties de la côte mentionnées dans l'Article III," while in Article III the only coast mentioned, and the only parts of the coast included, are the "coast" and the parts of it between latitude 54° 40′ and longitude 141.

In the Treaty, as finally signed, the words "dans les parties de la côte" become simply "sur la côte," and the possessions of the Powers are, in Article III, described as "on the coast of the continent" instead of as "on the continent," but the true meaning and intention of the parties has been in no way altered thereby, and from the time of Count Nesselrode's refusal to treat as to reciprocal trading rights elsewhere than in the *lisière* and Mr. Canning's acquiescence in such refusal, no further negotiations whatever on that subject took place.

I am, therefore, of the clear opinion that Russia, by the Treaty in question, intended and understood that the boundary-line might cross inlets which would penetrate and divide the *lisière* exactly as a river would, and that, in that event, the heads of such inlets

would lie within British territory, exactly as the upper reaches of a river would where that river flowed across the *lisière*.

With reference to the seventh question, as the majority of the Tribunal has decided that the mountains which shall form the eastern boundary of the *lisière* are to be sought inland at some place behind the head waters of every inlet, it is idle for me to express my views at any length.

Over and over again in the negotiations this "lisière de côte" which Russia was asking and England giving was spoken of by the Russians as a mere "point d'appui," as extending inland only "une très petite distance," as being only "une étroite lisière sur la côte même," or "une simple lisière du continent."

Consistently with this understanding of the width of the *lisière*, the mountains which were to form the inner boundary are always spoken of as being very near to the sea. The only knowledge of these mountains the negotiators of the Treaty had was derived from Vancouver's travels, and Vancouver had seen the mountains only from his ships as these explored the coast.

The mountains nearest the sea for the whole length of the *lisière* are, in fact, lofty peaks, 3,000 feet or more in height, often rising to double or treble that elevation, and sometimes exceeding 15,000 feet. It is manifest that from the water, and close to shore, as Vancouver's course lay, mountains such as these would completely shut out any view of the country further inland. Except for possibly an occasional glimpse between seaward peaks of another mountain further away, Vancouver could have no knowledge what the nature of the country was behind the mountains he saw, and the language used by those who negotiated the Treaty of 1825 shows that the extent of their knowledge was in this regard equally limited.

Under such circumstances, it is difficult for me to understand how the Treaty, when it speaks of "montagnes situées parallèlement à la côte," can refer to mountains miles inland, invisible from the sea, which lie far behind the seaward mountains, and which it is an admitted impossibility that Vancouver ever saw or the negotiators of the Treaty ever knew the existence of.

The words of the Treaty, "montagnes situées parallèlement à la côte," and the idea of parallelism thereby conveyed, imply the line

ALASKAN BOUNDARY TRIBUNAL.

PART II.

THE

CASE OF THE UNITED STATES

BEFORE THE

TRIBUNAL CONVENED AT LONDON

UNDER THE

PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN CONCLUDED JANUARY 24, 1903.

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THE CASE OF THE UNITED STATES.

INTRODUCTORY STATEMENT.

The United States and Great Britain entered into a convention at Washington on January 24, 1903, whereby they created a tribunal to consider and decide certain questions as to the delimitation of the boundary line between the Territory of Alaska and the British Possessions in North America, which had been the subject of controversy between the high contracting parties since 1898.

The third and fourth articles of the convention provide as follows:

ARTICLE III.

It is agreed by the high contracting parties that the tribunal shall consider in the settlement of the questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of 28/16 February, A. D. 1825, and between the United States of America and the Emperor of All the Russias concluded under date of March 30/18, A. D. 1867; and particularly the Articles III, IV, V, of the first-mentioned treaty, which in the original text are word for word as follows:

"La ligne de démarcation entre les possessions des hautes parties contractantes sur la côte du continent et les iles de l'Amérique Nord-Ouest, sera tracée ainsi qu'il suit:

"A partir du point le plus méridional de l'Ile dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54me degré 40 minutes de latitude Nord, et entre le 131me et 133me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atteint le 56me degré latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 131me degré de longitude Ouest (même Méridien), et finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions russes et britanniques sur le continent de l'Amérique Nord-Ouest."

IV.

"Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précédent;

"1. Que l'île dite *Prince of Wales* appartiendra toute entière à la Russie.

"2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest, se trouveroit à la distance de plus de dix lieues marines de l'océan, la limite entre les Possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne paralèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

V.

"Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux possessions de l'autre. En conséquence, les sujets britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul établissement ne sera formé par des sujets russes au-delà des dites limites."

The tribunal shall also take into consideration any action of the several governments or of their respective representatives preliminary or subsequent to the conclusion of said treaties, so far as the same tends to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said treaties.

ARTICLE IV.

Referring to Articles III, IV, and V of the said treaty of 1825 the said tribunal shall answer and decide the following questions:

1. What is intended as the point of commencement of the line?

2. What channel is the Portland Channel?

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of ten marine leagues from the ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten marine leagues, was it the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding ten marine leagues in width, separating the British Pos-

sessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisière which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?

The United States herewith submits to the Tribunal the printed Case, provided for by Article II of the convention, together with the documents, the official correspondence, and other evidence upon which it relies. But it specifically reserves the right to present hereafter to the Tribunal such other evidence as it may properly do under the provisions of Article II, either obtained from Great Britain upon demand or in pursuance of any notice given of its intended introduction by reference thereto in the printed Case.

The printed Case will consider and treat the subject of the controversy as follows: (1) The historical facts concerning the Northwest Coast of America prior to 1821, which led up to the controversy of Russia with the United States and Great Britain; (2) the diplomatic negotiations between the three nations, which culminated in the treaties of 1824 and of 1825; (3) the results of the negotiations; (4) the negotiations between the United States and Russia following the expiration of the reciprocal trade privilege granted by the treaty of 1824; (5) the occupation of the territory by Russia up to the year 1867; (6) the cession of Alaska to the United States in 1867, and the universally accepted interpretation of the treaty provisions delimiting the boundary prior to and at the time of the cession; and (7) the complete, continuous, and undisturbed occupation of the territory by the United States since the cession from Russia.

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statements made in the printed Case, and also by an Atlas of maps and charts in evidence and as explanatory of facts set forth on behalf of the United States.

THE NORTHWEST COAST OF AMERICA.

The Northwest Coast of America, extending from the Strait of Juan de Fuca northward to the sixtieth parallel of north latitude, was the last seaboard of the continent to be occupied by Americans and Europeans. Its remoteness from the Atlantic ports and the difficulty of access to it by land made this region but little known to the world before the close of the eighteenth century.

While England, France, and Spain had been planting colonies on the eastern side of the continent and were gradually extending their settlements westward, Russia had pushed her way eastward across Siberia and reached the shores of the Pacific. Under the energetic rule of Peter the Great the exploration of the North Pacific was planned, but was not actually undertaken until after his death. In 1728 Vitus Bering,[a] in command of an expedition fitted out by the Imperial Government, discovered the strait between America and Asia, and reached the continent of North America in latitude 65° north. Thirteen years later this navigator made a second voyage in which he again sighted the continental shore. He explored the Aleutian chain and discovered the Commander Islands, upon one of which he was shipwrecked and died.[b]

Numerous Russian traders and adventurers, induced by the opportunities offered of obtaining furs for the Chinese market at Kiakta,[c] made voyages into the regions visited by Bering, and by 1778, when Capt. James Cook entered Bering Sea, the Russians were firmly estab-

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[a] In the spelling of proper names the Report of the United States Board of Geographic Names (Washington, 1901) and the Geographic Dictionary of Alaska, by Marcus Baker, (issued as Bulletin No. 187 of the United States Geological Survey, 1902) are followed.

[b] Burney's History of Northeastern Voyages of Discovery and of the Early Eastern Navigations of the Russians, London, 1819, pp. 130, 176, 183; Greenhow's Memoir on the Northwest Coast of America, in Senate Doc. 174, Twenty-sixth Congress, first session, p. 82.

[c] Coxe's Russian Discoveries between Asia and America (4th ed.), London, 1804, p. 466.

lished throughout the Aleutian Islands.[a] In 1781 Gregory Shelikof, of Rylsk, and other Siberian merchants, who had been engaged in the fur trade in eastern Asia, formed an association, and two years later three vessels were fitted out by them, which, under the command of Shelikof, traversed the Pacific to the peninsula of Alaska. The following year this navigator erected a factory on Kadiak Island.[b] With this station as a base he sent out expeditions to explore the neighboring continent and establish trading posts at convenient points.[c]

Having continued his explorations for five years, and on his return to Siberia having received a medal and portrait from Catherine II in recognition of his services, Shelikof organized, in 1790, at Irkutsk, the Shelikof Company, which under imperial patronage secured a partial monopoly of the American fur trade.[d] Delareff, who had been with the head of the company during his cruises, was made chief director, and Alexander Baranof was chosen to conduct the factories at Kadiak and Cooks Inlet. Two years later the latter became the manager of the company.[e]

Meanwhile, independent traders had extended their operations to the continent, and the competition was working disaster to the Irkutsk Company, which had also suffered by the death of Shelikof.[f] The most powerful of these rivals were persuaded to unite their interests with the older association in 1798, under the name of "The Shelikof United Trading Company," but new competitors sprang up and continued to demoralize the trade.[g] The unfavorable conditions induced the United Company to attempt to secure an imperial grant of exclusive trade privileges in America and the Aleutian Islands.[h] As a result of its efforts, there was promulgated on July 8, 1799, an imperial ukase, which organized the "Russian American Company,"

[a] Voyage to the Pacific Ocean under the direction of Captain Cook and Others, London, 1784, Vol. III, pp. 359–383.

[b] Coxe, p. 207 et seq.

[c] Coxe, pp. 269–292: Appendix, p. 251. (All references to "Appendix" are to the Appendix accompanying this Case unless otherwise stated.)

[d] Alaska and Its Resources, William H. Dall, Boston, 1870, pp. 309, 311.

[e] Dall., pp. 312, 314.

[f] Historical Review of the Development of the Russian American Company, and of Its Operations up to the Present Time, P. Tikhmenief, St. Petersburg, 1861, Vol. I, p. 61; Appendix, p. 253.

[g] Dall., p. 317.

[h] Dall, p. 318.

and granted to it, for the term of twenty years, a monopoly of the trade and the exclusive occupation of that part of the American coast north of the 55th degree of north latitude, besides the Russian islands on both sides of the Pacific Ocean and Bering Sea, the right to make discoveries, and to occupy new lands as Russian possessions on either side of the 55th parallel, not previously occupied by any other nation, and the authority to administer, fortify, and defend its colonies.[a]

The ukase of 1799 created a colonial system similar in its essential features to that established in North America under the charter of the Hudson's Bay Company and in India by the East India Company. The Russian American Company became the representative of the monarch within the regions named in the ukase, possessing the sovereignty by delegation and exercising all the functions of governmental authority.

The office of the company, originally at Irkutsk, was soon transferred to St. Petersburg, where members of the imperial family became shareholders in the enterprise, insuring continuance of the favor and aid of the crown.[b] At the head of the colonial government was placed Baranof, the energetic director of the Shelikof Company, who "maintained for twenty years an absolute despotic sway over the colonies."[c]

In the same year in which the ukase was granted, Baranof proceeded to Norfolk Sound (now known as Sitka Sound), where he erected a fortified post, which was subsequently captured by the natives, who massacred the garrison. In 1804 another fort was constructed under Baranof's direction, a short distance from the site of the one destroyed, which was named Fort Archangel Michael, the factory being called New Archangel.[d] From this new establishment the Russian American Company's traders were able to extend their operations through the archipelago lying southward of the 60th parallel of latitude, and along the continental shores opposite.

While the ukase of 1799 accomplished its purpose in preventing the interference of other Russian traders with the monopoly granted to the chartered company, it was ineffectual in keeping the trading

[a] Appendix, p. 23.
[b] Dall, p. 320.
[c] Dall, p. 319.
[d] Dall, p. 322; Appendix, p. 62.

vessels of the United States from frequenting the islands and inland waters along the Northwest Coast and from trading with the natives. The American traders conveyed their cargoes of furs to Canton, where they disposed of them at large profits.[a] The returns were such as to induce other merchants of the United States to engage in the industry, and from 1790 the number of vessels constantly increased.[b]

These independent traders unquestionably impaired the value of the Russian American Company's monopoly as they secured a considerable proportion of the skins sold by the natives. They were further favored in this competition by the advantage of being permitted by the Chinese authorities to dispose of their furs at Canton, which possessed direct communication with the sea, and which was closed to the Russians. Attempts by the latter to open trade with that port had been made, but were futile.[c] As a result, the Russian American Company was forced to transport their furs by ship to the Siberian coast and thence hundreds of miles overland to the border town of Kiakta. Under such conditions the American traders secured a decided advantage over their competitors.

Baranof, however, instead of incurring the enmity of his rivals, endeavored to turn their facilities for trade with China to account by employing them to carry the company's furs to Canton and sell them on commission. While the company thus found it profitable to preserve amicable relations with the Americans, the latter were, nevertheless, a source of annoyance to the chief director through using firearms and ammunition as articles of barter with the natives. The increase in this traffic finally caused Russia, through its representative at Washington, to call the attention of the United States Government to the course pursued by its traders. In 1808 the Russian chargé d'affaires was directed by the Minister of Foreign Affairs to express "the hope that this *illicit* traffic" would meet with the disapprobation of the American Government, and that rigid orders would put a stop to it.[d]

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[a] A Statistical View, etc., of the United States, Thomas Pitkin, New York, 1817, p. 249; A Narrative of Voyages, A. Delano, Boston, 1817, p. 306.

[b] Appendix, p. 61.

[c] Voyage Round the World in the Years 1803–1806, A. J. von Krusenstern, London, 1813, Vol. II, p. 341; Appendix, p. 64.

[d] Appendix, p. 63.

Conditions not improving, M. Daschkoff, the Russian chargé, in 1810 renewed the representations formally made, and suggested that the United States Government prohibit, by statute or treaty, its citizens from trading with the natives on the Northwest Coast, confining their intercourse to the Russian factories. The negotiation, however, was postponed because M. Daschkoff was not empowered to fix a boundary within which such a law should operate.[a] Late in the same year Count Rezanoff approached Mr. Adams, the American minister at St. Petersburg, upon the subject. He explained to Mr. Adams the disadvantages under which the Russian American Company labored in being debarred from the Canton market, and that it was the desire to carry on the trade by the intervention of American ships, but that on account of the ferocity of the savages along the Northwest Coast the trade in firearms and ammunition ought to be made contraband. Mr. Adams raised the same question of territorial limits to the proposal as had been done at Washington, and the Russian Minister of Foreign Affairs being unwilling to discuss that phase of the subject, the negotiations closed without result.[b]

Having failed to secure the remedy of the evil through diplomatic channels, Baranof entered into an agreement with John Jacqb Astor, who had established a trading post at the mouth of the Columbia River, to furnish the Russian American Company with supplies at fixed charges to be paid in furs, to transport the company's furs to Canton and dispose of them on commission, to act jointly against smugglers, and to prevent the sale of firearms and intoxicants to the natives. This agreement in October, 1811, received the imperial approval of Alexander I, but the second war between the United States and Great Britain prevented its being put in operation.[c]

The state of affairs thus remained unchanged. The Russian American Company continued to prosecute its trade, and, after the interruption caused by the war with Great Britain, American vessels renewed their operations on the coast. In 1817 Baranof resigned the office of chief director and in April, 1819, died on his homeward voyage.[d]

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[a] Appendix, p. 63.
[b] Appendix, p. 64
[c] Dall, p. 327.
[d] Dall, pp. 330, 331.

THE UKASE OF SEPTEMBER 4/16, 1821.

As the time for the expiration of the charter of the Russian American Company approached, its affairs became a matter of governmental concern, reforms in the management were instituted and plans were formulated to increase the prosperity of the colony and to secure the company in its monopoly of the trade.[a] The chief cause affecting the trade and intercourse with the natives was the continued presence of the American trading ships, and to prevent this for the future[b] the Emperor of Russia issued, on September 4/16, 1821, the following ukase, which was proclaimed by the Directing Senate three days later:

EDICT OF HIS IMPERIAL MAJESTY, AUTOCRAT OF ALL THE RUSSIAS.

The directing Senate maketh known unto all men:

Whereas in an edict of His Imperial Majesty issued to the directing Senate on the 4th day of September, and signed by His Majesty's own hand, it is thus expressed:

"Observing, from Reports submitted to us, that the trade of our subjects on the Aleutian Islands and on the northwest coast of America, appertaining unto Russia, is subject, because of secret and illicit traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

In forwarding these Regulations to the directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution.

(Signed) Count D. Gurieff,
Minister of Finances.

It is therefore decreed by the directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

[The original is signed by the directing Senate.]

Printed at St. Petersburgh. In the Senate, the 7th September, 1821.

[On the original is written, in the handwriting of His Imperial Majesty, thus:]

Be it accordingly.

(Signed) Alexander.

Kamennoy Ostroff, *September 4, 1821.*

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[a] Dall, pp. 331, 332.

[b] Appendix, pp. 38, 101.

RULES ESTABLISHED FOR THE LIMITS OF NAVIGATION AND ORDER OF COMMUNICATION ALONG THE COAST OF THE EASTERN SIBERIA, THE NORTHWEST COAST OF AMERICA, AND THE ALEUTIAN, KURILE, AND OTHER ISLANDS.

§ 1. The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, posts, and gulfs, including the whole of the northwest coast of America, beginning from Behring Straits to the 51° of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Straits to the south cape of the Island of Urup, viz, to the 45° 50′ north latitude, is exclusively granted to Russian subjects.

§ 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia as stated above, but also, to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation along with the whole cargo.

§ 3. An exception to this rule is to be made in favour of vessels carried thither by heavy gales, or real want of provisions, and unable to make any other shore but such as belongs to Russia; in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing Rule 2. In this case, however, they must be previously provided with passports from the Russian Minister of the Navy.

§ 4. Foreign merchant-ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts, are obliged to endeavour to choose a place where Russians are settled, and to act as hereafter stated.

* * * * * * *

§ 12. It is prohibited to these foreign ships to receive on board, without special permission of the Commanders, any of the people in the service of the Company, or of the foreigners living in the Company's Settlements. Ships proved to have the intention of carrying off any person belonging to the Colony shall be seized.

§ 13. Every purchase, sale, or barter is prohibited betwixt a foreign merchant-ship and people in the service of the Company. This prohibition extends equally to those who are on shore and to those employed in the Company's ships. Any ship acting against this rule shall pay five times the value of the articles, stores, or goods constituting this prohibited traffic.

§ 14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands, and of the northwest coast of America, in the whole extent here above mentioned. A ship convicted of this trade shall be confiscated.

* * * * * * *

COUNT D. GURIEFF,
Minister of Finance.

On September 13/25, 1821, another imperial ukase was issued continuing the privileges of the Russian American Company for twenty years, and renewing its monopoly of the fur trade and fisheries "to *the* exclusion of all other Russians and of the subjects of foreign

States" in the regions named in the incorporating ukase of 1799, except that the southern limit on the American coast was extended from the 55th parallel southward to "the northern point of the Island of Vancouver, under 51° north latitude."[a]

Mr. Henry Middleton and Sir Charles Bagot, the ministers, respectively, of the United States and Great Britain at St. Petersburg, on the same day (September 21/October 3), wrote their governments of the promulgation of the ukase of September 4.[b] It would appear from their dispatches being of the same date and from the further fact that Mr. Middleton inclosed to the Department of State a Russian map with French notes similar to the one which Sir Charles Bagot forwarded to the British foreign office on November 17, 1821, with substantially the same annotations,[c] that the two ministers had conferred together as to the nature and effect of the ukase and had come to a mutual understanding as to the importance of immediately notifying their governments of its issuance.

THE NEGOTIATIONS OF 1822 AND 1823.

The ukase was officially communicated to the governments of the United States and Great Britain by the Russian ministers at Washington and London. The note of Baron de Nicolay to the Marquis of Londonderry bears date October 31/November 12, 1821,[d] and that of M. de Poletica to Secretary Adams, January 30/February 11, 1822.[e] The purpose of these communications was to inform the two governments of the date after which vessels clearing from American or British ports would be presumed to be cognizant of the regulations accompanying the ukase, and, therefore, liable to their provisions.

The note to the British Secretary of State for Foreign Affairs discussed the rights of Russia in the North Pacific Ocean and Bering Sea and declared that the ukase was issued to secure the Russian American Company from the invasion of its privileges by foreigners who "have not only as an object a fraudulent trade in furs and other articles exclusively reserved to the Russian American Company," but who "furnish arms and ammunition to the natives in the Russian Pos-

[a] Appendix, pp. 26, 27.

[b] Appendix, pp. 31, 101.

[c] Appendix, pp. 31, 101. Map No. 6 in Atlas accompanying this Case.

[d] Appendix, p. 95

[e] Appendix, p. 31.

sessions of America," thus exciting them to resist the authorities.[a] The Russian minister further added that it was not the intention to prohibit foreign vessels from navigating the seas along the Russian possessions, but only to insure to the Russian American Company the enjoyment of its charter rights. The language used in this note is substantially the same as that of a dispatch from Count Nesselrode, the Russian Minister of Foreign Affairs, to Count Lieven, written October 7/19,[b] and, therefore, expressed the views of the Imperial Government.

The unusual assertion by the ukase of sovereignty over waters within 100 miles of the Russian coasts was repugnant to the British idea of international right and subversive of the commercial interests of British subjects, although at the time there was substantially no trade by British ships with the Northwest Coast or through the seas adjacent. The opinion of the law officers of the Crown was sought, and they declared the Russian pretension contrary to the laws of nations.[c] Information was also secured from those interested in the whale fisheries,[d] the only line of British industry which might possibly be affected by the enforcement of the ukase.

Meanwhile Sir Charles Bagot communicated to the Foreign Office the substance of a conversation, which he had held with Count Nesselrode in the early part of November, in which the Russian minister had informed him "that the object of the measure was to prevent the 'commerce interlope' of the citizens of the United States, who were not only in the habit of resorting to the Russian coasts and islands in the Pacific, for the purpose of interfering in their trade with China in the lucrative article of sea-otter skins, but were also in the constant practice of introducing prohibited articles, and especially gunpowder, into the Russian dominions in that quarter," and that the American Government, upon receiving representations as to the character of the trade, had indicated that it would not oppose such measures as Russia found necessary for the suppression oft he traffic.[e] Undoubtedly the knowledge of the real intent of the ukase, as reported by the British minister at St. Petersburg, influenced his government in not promptly

[a] Appendix, p. 96.
[b] Appendix, p. 99.
[c] Appendix, p. 102.
[d] Appendix, pp. 103, 104.
[e] Appendix, p. 101.

and vigorously protesting against the imperial edict. However, the claim of maritime sovereignty, so at variance with the usual practice of nations, could not be ignored or admitted by Great Britain, and January 18, 1822, two months and a half after being officially notified, the Marquis of Londonderry addressed a note to the Russian minister mildly protesting against the assertion of sovereignty over 100 miles of sea contiguous to the coasts, and incidentally reserving to His Britannic Majesty the right to question the territorial claims of Russia on the American continent.[a]

The official notification of the ukase, which had been forwarded by special messenger from St. Petersburg,[b] was not handed to Secretary Adams until February 11, 1822.[c] Before replying to it he had an interview with the British minister, Mr. Stratford Canning, as to the course which would probably be adopted by Great Britain. Mr. Canning, in reporting the conversation to the Foreign Office stated that Mr. Adams gave him to understand "that it was not the intention of the American Cabinet to admit the claim thus notified on the part of Russia." He added that Mr. Adams's "objection appears to lie more particularly against the exclusion of foreign vessels to so great a distance from the shore."[d] On February 25, 1822, Mr. Adams addressed a note to the Russian minister in the nature of a protest against the maritime and territorial rights asserted in the ukase, and asked if he was empowered to give explanations of the grounds upon which they were based.[e] The communication of the Secretary of State initiated a discussion extending until April 2, 1822, during which time several notes were exchanged. The limit of maritime jurisdiction and the territorial rights accruing from discovery and occupation were discussed *in extenso* without result.[f]

The correspondence, however, discloses the fact that the aim of each Government was the preservation of the rights of trade to its citizens or subjects on the Northwest Coast. Mr. Adams's arguments were advanced for the purpose of establishing the right of the independent American fur traders to the unrestricted intercourse which they then enjoyed with the natives of the shores claimed by Russia. To main-

[a] Appendix, p. 104.
[b] Appendix, p. 101.
[c] Appendix, p. 31.
[d] Appendix, p. 106.
[e] Appendix, p. 32.
[f] Appendix, pp. 32–38.

tain this position it was necessary for him to deny the sovereignty of Russia over those regions. M. de Poletica, on the other hand, in order to preserve to the Russian American Company its monopoly to the exclusion of all others, argued that Russia was invested with sovereign rights over the coasts and islands under discussion. The assertion of maritime jurisdiction in the ukase necessarily rested upon the territorial dominion of Russia. Thus the question of territory became an important factor in the discussion, if the Imperial Government did not withdraw its unusual claim of authority over the seas contiguous to its possessions.

M. de Poletica returned to Russia in May, 1822, bearing with him a letter from the Secretary of State to Mr. Middleton, dated the 13th of that month, in which the negotiations were transferred to St. Petersburg and the American minister was instructed to "make it most distinctly to be understood that the United States can not for a moment acquiesce" in the provisions of the ukase, nor admit that it "can in any manner impair their rights, or those of their citizens."[a]

The protests of the United States and Great Britain were communicated to the Imperial Government by the Russian ministers at Washington and London, and in order to avoid the consequences which their strict enforcement seemed to promise, orders were given in July, 1822, to the naval vessels detailed to carry out the regulations of the ukase, which limited their application to the waters generally recognized by other powers as territorial.[b]

Mr. Middleton had, upon the receipt of Mr. Adams's instructions, prepared a note verbale, which he intended to submit to Count Nesselrode, but in an interview with Count Capodistrias the latter advised him not to present it, stating that "the Emperor has already had the good sense to see that this affair should not be pushed too far. We are disposed not to follow it up." He added that Russian war ships would be instructed to confine their operations to the usual limit of sea recognized as territorial by other nations, and that by this course the negotiations, which Baron de Tuyll, the newly appointed minister to Washington, might commence, would not be embarrassed.[c]

Mr. Middleton was convinced of the wisdom of this suggestion, and in an interview with Count Nesselrode on July 27 he refrained from

[a] Appendix, p. 39.

[b] Appendix, p. 40.

[c] Appendix, p. 43 (foot note).

presenting the note which he had prepared. He stated to the Minister of Foreign Affairs that the United States insisted upon the suspension of the execution of the regulations, and declared "that the territorial pretension advanced by Russia must be considered as entirely inadmissible by the United States until the conflicting claims" were settled by treaty. Count Nesselrode assured him verbally that the wish of his government would be complied with, and that it was the intention to furnish Baron de Tuyll with full powers to adjust the questions regarding trade and territory on the Northwest Coast.[a] Thus the negotiations between the United States and Russia were retransferred to Washington, causing a considerable lapse of time before the discussion was again renewed.

The Duke of Wellington, having been commissioned to represent His Britainic Majesty in the Congress of the powers at Verona, was, among other subjects, directed to discuss with the Russian plenipotentiaries the question raised by the ukase. He interviewed Count Lieven on September 10, and was informed verbally of the modification of the ukase; but verbal assurances did not meet the views of the British Government. The ukase was a written and published assertion of a right, and Great Britain required an equally formal renunciation of this claim.[b] Thus, while the immediate danger of seizure and confiscation of vessels approaching the Northwest Coast had been avoided by the course of Russia in limiting the enforcement of the ukase, the controversy was still far from being settled. Wellington received further information on the subject, and the position of the British Government was fully stated to him in a note from Mr. Canning, dated September 27, 1822.[c]

But, since the correspondence following the protest of Great Britain in January, 1822, the attention of the London Government had been directed to another British interest which might be affected by admitting all the territorial claims of Russia to the northwestern portion of the continent of North America. This was the fur trade of the Hudson's Bay Company.

The company had been granted by Charles II in 1670 a charter, by which its members were given title to all territories wattered by streams flowing into Hudson Bay, together with the mines, fisheries,

[a] Appendix, p. 43. [b] Appendix, p. 108.

[c] Appendix, p. 110.

and exclusive right to trade, not only with the native inhabitants of this great drainage basin, but "to and with all other nations inhabiting any of the coasts adjacent to said territories * * * not already possessed by any other Christian Prince or State." The powers conferred upon the company in the regions thus granted to it were governmental in character. It was given legislative and executive authority together with judicial powers in both civil and criminal cases. The company selected its governors and other executive officers, and its managing committee passed laws for the territory and appointed judges to impose the penalties fixed for their violation.[a] It also had power to organize and maintain military and naval forces and to make war and peace with "any prince or people whatsoever, not Christian;" to erect forts and castles; and to confiscate property. In a word, it was the government in the regions granted to it. As Greenhow says, "It will be seen that the Hudson's Bay Company possessed, by its Charter, almost sovereign powers over the vast portion of America drained by streams entering Hudson Bay."[b]

For a century the company exercised its almost supreme authority undisturbed, except for the futile attempts of the French in Canada to destroy the station on the shores of Hudson Bay, from which the company shipped its furs to Europe. Its traders extended their operations westward into the wilderness and secured the authority of the company by the erection of forts and trading posts. With the conquest of Canada and the influx of settlers into the upper province, the French voyageurs, who had carried on an extensive trade in furs under the French régime, were forced west and north until they came in direct competition with the agents of the Hudson's Bay Company. The Canadian traders, acting generally as individuals, sold their furs in Montreal, where several Scotch merchants had settled after the conquest and engaged in the industry.[c]

In 1783–84 the Montreal firms combined, forming the North-West Company, which for nearly forty years competed with the Hudson's Bay Company both in the fur country and in the fur market at Leipzig.[d] The new company exhibited the greater energy and enterprise, their factors and traders pressing westward across the Rocky

[a] The Great Company, Beckles Willson, Toronto, 1899, p. 515.

[b] Greenhow's Oregon, *Proofs and Illustrations*, Vol. I, p. 456.

[c] The Great Company, p. 315.

[d] Ibid, pp. 328, 348.

Mountains and down the Columbia, where they came in contact with the Americans at Astoria.[a] Others invaded the territories occupied by the older company and the bitter rivalry engendered was marked by violence and murder.[b]

To put an end to a state of affairs destructive of all profitable trade in the regions where these disputes occurred, the representatives of the rival companies in London finally effected a union between them, the name Hudson's Bay Company being continued. The agreement to unite was executed in March, 1821,[c] and in July of the same year an act of Parliament authorized the Crown to grant to the Hudson's Bay Company, for the term of twenty-one years, the "exclusive privilege of trading with the *Indians* in all such parts of *North America*" as did not form part of the company's previous possessions, the royal provinces, or the territory of the United States.[d] December 5, 1821 the royal license was granted to the company in pursuance of the parliamentary act.[e] Thus the complete monopoly of the British fur trade in America was again secured by the Hudson's Bay Company and it became to all intents the governing power over the vast territory extending from Lake Superior to the Arctic Ocean and from Hudson Bay to the western bounds of the American dominions of Great Britain.

Within four months after this union of the rival British fur companies had been completed, and their exclusive rights secured by license, the deputy governor, J. H. Pelly, sent a communication to the marquis of Londonderry, dated March 27, 1822,[f] in which he recited briefly the discoveries made on the Northwest Coast by British navigators and by traders of the North-West Company, and the priority of territorial rights, which, he claimed, resulted from these facts. The letter closes in the following language: "The fur trade of Great Britain, by an Act of last Session and grant from His Majesty, is vested in the Hudson's Bay Company; I cannot, therefore, refrain from calling your Lordship's attention to this matter as of considerable

[a] The Remarkable History of the Hudson's Bay Company, George Bryce, London 1900, p. 396.

[b] Ibid, p. 355 et seq.

[c] The Great Company, p. 432.

[d] 1 and 2 George IV, chap. 66, Pickering's Statutes, Vol. LXI, p. 225.

[e] Report from Select Committee on the Hudson's Bay Company, House of Commons, 1857, Reports of Committees, Vol XI, p. 425.

[f] Appendix, p. 106.

importance at the present moment, and not unlikely to lead to very unpleasant occurrences at some future period, if no notice is taken of these proceedings of the Russian and American Governments, the effect of which would be to exclude British subjects from the north-west coast of America, and a valuable trade in the interior."[a]

On September 25, 1822, Mr. Pelly again addressed the Foreign Office stating more in detail the interests of the Hudson's Bay Company in the western part of North America.[b] Presumably this second letter was sent in view of the approaching departure of the Duke of Wellington, and the probability of the question being discussed at Verona, as it is dated only two days before Mr. Canning's résumé of the controversy, some statements of which are evidently derived from those of Mr. Pelly.[c]

The letter deals solely with the question of Russia's territorial claims and does not refer to her assertion of maritime jurisdiction. At the outset Mr. Pelly stated: "It appears to the Directors of this Company that the claim of Russia is not well founded, and as the interests of the Company and of the British fur trade would be essentially and greatly injured, should the claims of Russia be admitted by the British Government, I feel it to be incumbent upon me, in addition to the representations which I have already made upon this subject, to state briefly the progress of the British fur trade in that part of North America, and to apprise you of the forts or trading stations, situated to the north of the fifty-first degree of north latitude, which are now occupied by the traders and servants of this company."

After reciting the advance of the North-West Company beyond the Rocky Mountains and stating that in 1821 the Hudson's Bay Company "had acquired possession of all the forts and trading stations of that Association situated in New Caledonia," as well as in other parts of British North America, he detailed the permanent posts of the company in New Caledonia. Their location is given as follows: The Rocky Mountain Portage, 56° north latitude and 121° west longitude; Stewart's Lake, 54° 30′ north latitude and 125° west longitude; McLeod's Lake, 55° north latitude and 124° west longitude, and Fraser's Lake in 55° north latitude and about 127° west longitude. (The situation of these posts is given upon Map No. 1 in the Atlas

[a] Appendix, p. 107. [b] Appendix, p. 109.
[c] Appendix, p. 111.

accompanying this Case.) He further stated that the company's trade extended from 60° north latitude to the mouth of the Fraser River, in about latitude 49°, "and between the Rocky Mountains and the sea;" that the traders of other nations had never been met in these regions; and that "the considerable rivers which fall into the Pacific Ocean in this extent of coast" have not yet been sufficiently explored to determine whether or not they are navigable; but that if they are it would be advantageous, as the company's experience on the Columbia had proven.[a]

The implication in the letter of the deputy governor is that the operations of the Hudson's Bay Company extended between the Rocky Mountains and the ocean, and on the coast from the Fraser River to 56°, or even 60°, north latitude.

The portion of Mr. Canning's communication, which is based upon Mr. Pelly's statements, is that, while title by discovery may be fairly disputed with Russia, "the much more certain title of actual occupation by the agents and the trading servants of the Hudson's Bay Company extends at this moment to many degrees of higher latitude *on the northwest coast*[b] of America than is claimed as the territory of Russia by the Ukase in question."[c]

Thus the idea, which Mr. Pelly so adroitly introduced into his letter, although unfounded in fact and unwarranted by his own statement of the location of trading posts, is advanced by Mr. Canning as an argument to be used in controverting the territorial claim of Russia.

October 17, the Duke of Wellington handed to Count Nesselrode a confidential memorandum upon the ukase,[d] in which he asserted that "the much more easily proved, more conclusive, and more certain title of occupation and use ought to decide the claim of sovereignty." He added: "Now *we can prove*[b] that the English North-West Company and the Hudson's Bay Company have for many years established forts and other trading stations in a country called New Caledonia, situated to the west of a range of mountains called Rocky Mountains, and extending *along the shores of the Pacific from latitude 49° to latitude 60°*."[b]

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[a] Appendix, p. 110.

[b] Not italicized in the original.

[c] Appendix, p. 111.

[d] Appendix, p. 113.

The implication of Mr. Pelly is here stated as an *established fact*, and upon it Wellington made the assertion, "we have the indisputable claim of occupancy and use for a series of years, which all the best writers on the laws of nations admit is the best founded claim to a territory of this description."[a]

From this time forward in the negotiations Great Britain continued to insist that this condition of occupancy existed. Its foundation seems to have been lost sight of in the belief that a substantial claim of possession had been established in accord with the recognized principles of international law.

Count Nesselrode replied to this memorandum on November 23, 1822,[b] stating that Russia would not dispute the existence of British settlements between the 49th and 51st parallels, which were outside of the possessions claimed by his government, but that "even the most recent and complete English maps do not show a single trading post mentioned in the memorandum of October 17 on the coast of America between the fifty-first and sixtieth degree of north latitude." But he said, that in order to prevent further contention the Emperor had directed his cabinet to state to the Duke of Wellington that he was ready to settle by negotiation the limits of the Russian and British possessions on the Northwest Coast.

This proposition, however, was not acceptable to Great Britain, for it limited the subject of the negotiations to the question of establishing a boundary line, and this to the British Government was the least important element in the dispute. As late in the negotiations as December 8, 1824, Mr. George Canning, in his letter of instructions to Mr. Stratford Canning,[c] wrote: "The whole negotiation grows out of the ukase of 1821. So entirely and absolutely true is this proposition that the settlement of the limits of the respective possessions of Great Britain and Russia on the northwest coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the ukase by enabling the court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretentions of the edict." It is clear that what Great Britain sought above every other consideration was the formal renunciation of the extensive maritime jurisdiction assumed

[a] Appendix, p. 114. [b] Appendix, p. 115.
[c] Appendix, p. 208.

by the ukase. The Duke of Wellington, in accordance with this view, declined the offer to negotiate upon the subject of the boundary alone, and after restating the objections of Great Britain to the ukase, suggested as the best mode of settling the controversy that Russia should announce her readiness to negotiate upon the whole subject.[a] The day following (November 29), in an interview with the Russian representatives, it was determined that the memoranda exchanged "should be considered *non avenus*," and that Count Lieven on his return to London should, in a reply to a note received some months before from the Marquis of Londonderry, state the desire of the Emperor to negotiate with Great Britain upon the whole question.[b]

Count Lieven, before leaving Verona, was directed by his government to proceed in accordance with this agreement, and upon his arrival in London he addressed Mr. Canning a note, dated January 19 31, 1823, in which it was proposed to temporarily waive the question of strict right and to adjust the differences raised by the ukase by an arrangement "founded on the sole principle of mutual expediency, to be negotiated at St. Petersburg."[c]

Five days later Mr. Canning, who had already forwarded to Sir Charles Bagot, at St. Petersburg, on December 31, the instructions given to the Duke of Wellington and the latter's correspondence with the Russian representatives at Verona, inclosed to the British minister the note received from Count Lieven and directed him to open the nogotiations upon the basis of the instructions furnished the Duke of Wellington.

Mr. Canning, on February 25, sent to Sir Charles a full power "to adjust the differences which have arisen in consequence of the ukase promulgated at St. Petersburg on the 4th September, 1821."[d] He stated also that he had no further papers to add to those already furnished the British minister, except the two opinions of the law officers of the Crown, which had been prepared in 1821, shortly after the British Government had received official notice of the ukase.[e]

The negotiations of Russia with Great Britain were thus to be conducted at St. Petersburg, while those with the United States were to

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[a] Appendix, p. 116.
[b] Appendix, p. 117.
[c] Appendix, p. 118.
[d] Appendix, p. 119.
[e] Appendix, p. 102.

be carried on at Washington. The advantage of the same plenipotentiary conducting the negotiations with both powers was apparent to the Russian Government. With that purpose in view Baron de Tuyll was directed to request the United States Government to empower its minister at St. Petersburg to terminate the differences arising under the ukase, "on the principle of mutual convenience." He did so within two weeks after his arrival in Washington,[a] by a note dated April 24, 1823, after having stated that the British minister at St. Petersburg had received the full power necessary for the negotiation.[b]

Mr. Adams, the Secretary of State, apprised Mr. Stratford Canning, the British minister at Washington, of the communication which he had received, and "suggested whether it might not be advantageous for the British and American Governments, protesting as they did against the claims of Russia, to empower their ministers at St. Petersburg to act in the proposed negotiation on a common understanding." Mr. Adams further stated that although the United States has no territorial claims as high as 51° north latitude, it was opposed to the Russian claim, and also to the asserted right of excluding American citizens from trading with the natives in those regions and the "extravagant pretention to prohibit the approach of foreign vessels within 100 Italian miles of the coast."[c] It is evident that the opposition of the United States to the territorial claims of Russia was because the right to restrict trade and to exercise jurisdiction over the neighboring seas depended solely upon territorial dominion.

On May 7, a short time after his conversation with the British minister, Mr. Adams notified Baron de Tuyll that the President readily acceded to the proposal to transfer the discussion again to St. Petersburg, and that the American minister would be furnished with full powers to conduct the negotiation.[d]

It was not until July 22, however, that the full powers were sent to Mr. Middleton.[d] Mr. Adams, in his instructions as to the conduct of the negotiation, stated the two subjects in controversy to be "the pretentions of the Imperial Government * * * to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude on the

[a] Appendix, p. 120.
[b] Appendix, p. 46.
[c] Appendix, p. 120.
[d] Appendix, p. 47.

Asiatic coast to the latitude of fifty-one north on the western coast of the American continent;" and the assumption of "the right of interdicting the *navigation* and the fishery of all other nations to the extent of 100 miles from the whole of that coast." The mention of the Russian claim on the Asiatic side of the ocean, to which neither the United States nor Great Britain could advance contending claims, shows that the right of free navigation was the important question involved in the controversy.

Mr. Adams then proceeded to consider the grounds upon which the Russian title rested, reviewing his own discussions with M. de Poletica, the earlier correspondence of 1808 and 1810 in relation to the traffic in firearms and ammunition, and the mutual trade rights of the United States and Great Britain on the Northwest Coast established by the third article of the treaty of 1818.[a] He added: "You are authorized to propose an article of the same import for a term of ten years from the signature of a joint convention between the United States, Great Britain, and Russia."[b]

Mr. Middleton was further instructed as follows: "With regard to the territorial claim, separate from the right of traffic with the natives and from any system of colonial exclusions, we are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian American Company—that is to say, latitude 55°."

The points which Mr. Adams desired to secure, namely, the abandonment by Russia of the claim over the sea within 100 miles of her territory, and a privilege for ten years of unrestricted trade for American citizens, together with the point he was willing to concede, namely, a boundary line at the 55th parallel of north latitude, beyond which neither nation should extend its settlements, he embodied in a draft of a convention, which he inclosed, the provisions of which were substantially the same as those of the treaty finally concluded in 1824.

In accordance with the suggestion which he had made to Mr. Stratford Canning, the letter of instruction contained the following: "As the British Ambassador at St. Petersburg is authorized and instructed to negotiate likewise upon this subject, it may be proper to adjust

[a] For treaty, see Treaties and Conventions between the United States and Other Powers, Washington, 1889, p. 415.

[b] Appendix, pp. 48–50.

the interests and claims of the three powers by a joint convention. Your full power is prepared accordingly."[a]

On the same day upon which he forwarded to Mr. Middleton his full power Mr. Adams sent a long dispatch to the American minister at London, Mr. Rush, concerning the state of affairs existing upon the Northwest Coast.[b] He discussed the relations between the United States and Great Britain created by the treaty of 1818, the foundation of the title of the United States to the territory watered by the Columbia River, and the territorial rights of Russia.

After showing how much stronger was the American claim to possession than either the British or Russian claim, he made the following assertion, which is suggestive of the declaration contained in the famous message of President Monroe sent to Congress in December of the same year: "It is not imaginable that, in the present condition of the world, *any* European nation should entertain the project of settling a *colony* on the northwest coast of America."[c] He continued: "That the United States should form establishments there, with views of absolute territorial right and inland communication, is not only to be expected, but is pointed out by the finger of nature."

This statement of the attitude of the United States toward future colonization by European nations and of expected extension of American settlements is peculiarly important in determining the actual position of the United States in regard to Russia's title to her American possessions. It was written upon the *same day* that the instructions and the draft of treaty were sent to Mr. Middleton in which Mr. Adams fixed the 55th parallel of north latitude as the northern limit of settlements by the United States and as the southern limit of Russian occupation. The one conclusion is that he was convinced that Russia had already an established colony within the limits named in his treaty draft, and, therefore, an unassailable title to the territory.

The Secretary of State also informed Mr. Rush that Mr. Middleton had been instructed and empowered to carry on negotiations with Russia as to the conflicting claims on the Northwest Coast, and he proposed that, as three nations were involved in the controversy, the United States and Great Britain should come to a mutual understanding as to their respective pretensions. Mr. Rush was furnished with

[a] Appendix, p. 51. [b] Appendix, p. 52. [c] Appendix, p. 54.

the instructions sent to Mr Middleton, and he was directed "to confer freely with the British Government on the subject."[a]

Mr. Adams, after reviewing the instructions to Mr. Middleton, authorized the American minister at London to propose to the British Government a stipulation that the United States should not make settlements north of latitude 51°, that Russia should make none south of 55°, and Great Britain should make none north of 55° or south of 51°.[b]

Secretary Canning, on July 12, 1823, forwarded to Sir Charles Bagot a copy of the dispatch of Mr. Stratford Canning of May 3, in which he stated Mr. Adams's proposal of joint action by the United States and Great Britain.[c] In the letter transmitting this copy Mr. George Canning said: "We have no precise information as to the views of the American Government, Mr. Rush not having yet received any instructions upon the subject. It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country is that which concerns the extravagant assumption of maritime jurisdiction. * * * Upon this point, therefore, such a concert as the United States are understood to desire will be peculiarly advantageous."

Mr. Canning, however, deemed it wise not to give definite instructions until he had been informed of the views of the American Government. Of the territorial claim, he said that it was "perhaps susceptible of a separate settlement," and that "of the two principles on which the settlement could be made, viz, joint occupancy or territorial demarcation," the latter was "clearly preferable." He then suggested a line of demarcation at the 57th degree, "which," he said, "would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her;" and he directed the British minister to find if such a basis would be agreeable to the Russian Government.[d]

Sir Charles Bagot, in view of the approaching departure of Count Nesselrode from St. Petersburg, deemed it advisable to inform him of the probable authorization of the American minister and himself to act jointly in negotiating the question of maritime jurisdiction raised by the ukase.[e] The announcement met with Count Nesselrode's hearty approval, and he stated that M. de Poletica, "supposed to be

[a] Appendix, p. 55.
[b] Appendix, p. 56.
[c] Appendix, p. 120.
[d] Appendix, p. 123.
[e] Appendix, p. 125.

the person most conversant with the whole question," would be probably instructed to prepare the necessary materials so that the matter could be taken up immediately upon his return to the capital.

As to the territorial claim advanced by Russia, the British minister explained to Count Nesselrode that, as the United States made no pretension to territory as far north as the 51st parallel, the question rested between Great Britain and Russia alone, and became, therefore, a matter for separate settlement between the two interested governments. He then, in accordance with his instructions, stated the two modes of settlement, and that the preference of the British Government was to fix a definite boundary line. Count Nesselrode coincided with this view, and assured Sir Charles "that the chief if not the only object of the Imperial Government was to be upon some certainty in this respect."[a]

In a second interview the British minister stated that, while Great Britain claimed to 59° of north latitude, a line drawn at 57° would be acceptable, and that he believed that Russia had no settlement south of that line. In reporting the conversation to Mr. Canning he said that he was not quite sure that this assertion was correct, since the map published in 1802 in the quartermaster-general's department at St. Petersburg (Map No. 6 in the Atlas accompanying this Case) did not locate the "Russian settlement of Sitka" very precisely, and it did not appear at all on the Arrowsmith map (see Maps Nos. 8 and 10 in the Atlas accompanying this Case) sent to him from the Foreign Office. Count Nesselrode replied that he was not familiar enough with the subject to give an immediate answer, but that he would take the matter under consideration.

Before his dispatch of August 31, 1823, in which these interviews were reported to the Foreign Office, had been sealed, Sir Charles Bagot was informed by Count Nesselrode that M. de Poletica had been commanded by the Emperor to communicate directly with the American and British ministers in regard to that part of the ukase as to which it had been proposed to act jointly as soon as Mr. Middleton had received his instructions.[b]

Mr. Middleton, on September 19, 1823,[c] had not received the expected letter from the Department of State, but he had been informed by Count Nesselrode that advices from Baron de Tuyll inti-

[a] Appendix, pp. 126–127.

[b] Appendix, p. 127.

[c] Appendix, p. 56.

mated that the negotiation was to be transferred to St. Petersburg, and by Sir Charles Bagot that Mr. Canning had "eagerly caught at the proposition" of joint action, and that instructions to that effect would undoubtedly be received from Washington. On August 22/ September 3, 1823, the day on which he left St. Petersburg,[a] Count Nesselrode notified Mr. Middleton of M. de Poletica's authorization to begin conferences with him for the purpose of preparing the way to a definite adjustment of the controversy.[b]

Mr. Adams's letter of instructions was finally received by Mr. Middleton on October 16.[c] Although he did not communicate its contents to the British minister, the latter from conversations with his colleague concluded "what," he said, he "had long had reason to suspect," namely, that the United States "so far from admitting that they have no territorial pretensions so high as the fifty-first degree of north latitude and no territorial interest in the demarcation of the boundary between His Majesty and the Emperor of Russia to the north of that degree," were prepared to assert equal pretensions with Great Britain and Russia to the whole coast as far north as the 61st parallel and the right to be a party to any partition of that region.

Sir Charles further reported that Mr. Middleton had confidentially informed him that the United States desired, upon the assumption of the right to share in the division of territory, that the three powers should enter into a joint convention to grant to each other, for a limited period, the mutual rights of fishery and trade upon their respective coasts, and that he had, in fact, received the draft of a treaty to that effect from his government.[d]

This position of the United States, new so far as the representatives of Great Britain were concerned, at once changed the attitude of these two nations toward each other in the controversy.

As to the question of the maritime jurisdiction assumed by the ukase their interests were identical, but in regard to the territorial claims involved they were quite dissimilar. Excepting the efforts of both to restrict Russian dominion over the ocean to the customary territorial limits and to preserve the freedom of the high seas for navigation—efforts which were natural to the two principal maritime nations of that

[a] Appendix, p. 56.

[b] Appendix, p. 57.

[c] Appendix, p. 129.

[d] Appendix, p. 130. For draft of treaty referred to, see Appendix, p. 51.

period—the aim of the two powers, and of Russia also, was to secure the trade interests of their respective citizens and subjects in these regions.

The American traders carried on their operations from the sea. It was of supreme importance to them that they should not be restricted from entering the inland waters and approaching the shores. The boundary line upon the coast was of small moment compared with obtaining this privilege of trade, though a claim of territory offered a means of securing the former by mutual concession.

The British fur traders, on the other hand, conducted their industry entirely from the land side of the territory claimed by Russia, only reaching the ocean far below 51° north. Their interest on the coast above that parallel was speculative, depending upon the navigable character of the rivers flowing into the Pacific from the region where they had established trading posts, and the probability of a farther extension of their operations northward and westward. They possessed no commerce such as the Americans had enjoyed for thirty years along the coasts north of 51°; a prohibition of trade with that region would have worked no hardship to them. The interests of the British fur traders—in other words, the Hudson's Bay Company—lay in securing a line on the coast as far north as the latitude of their posts west of the Rocky Mountains, and in preventing an extension of Russian dominion so far eastward as to interfere with the trade of the Hudson's Bay Company along the Mackenzie River and its tributaries.

The trade of the Russian American Company was thus menaced from the sea and from the land, and to it the rights over the territorial waters and the establishment of an inland boundary were equally essential in preventing the invasion by foreign fur traders of the coasts and islands to which its operations were confined.

An examination of the subsequent negotiations of the three powers will emphasize these different points of view, and will disclose that, outside of the all-important question of exceptional maritime jurisdiction, the conflicting interests of the American fur traders, the Hudson's Bay Company, and the Russian American Company were the important factors in the controversy, and that to harmonize these was the purpose of the respective governments, rather than to acquire territory.

Sir Charles Bagot, in view of the new conditions, in contemplation of which neither his instructions nor powers were framed, at once sus-

pended the negotiations, which he had commenced with M. de Poletica, until he should receive further directions from his government; and at the same time he expressed his apprehension of the difficulties which "the unexpected pretentions of the United States" might cause.[a]

Mr. Middleton, who had been disinclined to discuss the subject in controversy with M. de Poletica upon finding that the latter "had no powers to *conclude* anything," availed himself of the circumstances and declined further conference with the Russian representative until the British minister had received full powers to negotiate upon the entire subject.[b] Thus the negotiations at St. Petersburg were temporarily suspended.

The course pursued by M. de Poletica after being commanded to take up the subject with the American and British ministers he reported in detail to Count Nesselrode on November 3/15, 1823.[c] He stated that before entering upon the negotiations he consulted Count de Lambert, the official representative of the Russian American Company, whose interests were to be safeguarded. The result of this consultation was that M. de Poletica was convinced that the interest of the company "would be protected and their wishes entirely satisfied," if the Russian negotiators succeeded in fixing "the boundaries of the possessions of the said company at the fifty-fourth degree of north latitude, and by giving them in depth such a degree of longitude (meridian of Greenwich) as, in its prolongation to the pole, would leave the Mackenzie River outside" the Russian boundary.

The report continues with the following language, significant of the object to be secured in determining the inland boundary of the Russian possessions: "In fixing the longitude, Count de Lambert had mainly in view *the establishment of a barrier*[d] at which would be stopped, once for all, to the north as to the west of the coast allotted to our American company, the encroachments of the English agents of the Amalgamated Hudson Bay and Northwest English Company, whom a more intimate acquaintance with the country traversed by the Mackenzie River might easily bring in the course of time into the neighborhood of our establishments."[e]

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[a] Appendix, p. 130.

[b] Appendix, p. 58.

[c] Appendix, p. 137.

[d] Not italicized in the original.

[e] Appendix, pp. 137–138.

The importance of this statement is increased by the fact that M. de Poletica continued, from the time when he thus declared the object desired until the negotiations ended in the treaties finally celebrated, substantially in charge of the Russian side of the controversy, and from the further fact that Count de Lambert's suggestion was in effect embodied in the signed treaties. Russia from the first sought to erect a territorial "barrier" between her coasts and the inland possessions of Great Britain, and this "barrier" she secured by the provisions of the treaty of 1825 with Great Britain.

Count de Lambert also gave M. de Poletica to understand that the Russian American Company was not disposed to grant trade concessions to foreigners outside of "its acknowledged possessions." This determination M. de Poletica considered worthy of notice, since he deemed that in all probability this would form the "chief and even the only difficulty" in the negotiations with the United States. [a]

Having learned from both the American and British ministers that they would undoubtedly act jointly upon the question of maritime jurisdiction, M. de Poletica, at the suggestion of the British minister, agreed to postpone its discussion until the instructions to Mr. Middleton arrived. Some days after the interview at which this postponement was agreed upon, Sir Charles Bagot said to the Russian representative that while awaiting the instructions, which Mr. Middleton had not then received, there was nothing to prevent their "discussing the territorial question, to which the Americans were, in a measure, strangers." [a]

Accordingly the two representatives met by appointment on October 14,[b] two days before Mr. Middleton received his full powers and instructions.[c] At the outset Sir Charles Bagot discovered that M. de Poletica was not authorized to make any positive declaration on behalf of his Government nor receive any proposition otherwise than *ad referendum*. However, in view of his instructions to obtain from Russia, if possible, some definite statement of her position,[d] he asked M. de Poletica what, in the opinion of the Imperial Government, should be the line of separation between the British and Russian possessions on the Northwest Coast. The latter frankly replied that his government would think that it had made all the

[a] Appendix, p. 138.
[b] Appendix, p. 139.
[c] Appendix, p. 129.
[d] Appendix, p. 124.

concessions which moderation and a desire to maintain friendly relations with other powers required "by fixing the boundary between the Russian and English possessions at the fifty-fourth degree of latitude, and by giving for the longitude such a line as in its prolongation in a straight line toward the pole would leave the Mackenzie River outside of the Russian frontier."[a] This language is, with immaterial variations, the same used by Count de Lambert. The proposition of the Russian American Company had become the declared position of the Russian Government.

Sir Charles Bagot replied that this line was very far from the one his government wished to fix. He then entered upon an argument against the legality of the Russian title, during which he read the opinions of the law officers of the Crown, but "suddenly suspended the discussion" to say that his government, after all, had "no intention of discussing the territorial question according to the abstract principles of public law or of international law," believing a more satisfactory result could be reached by "an amicable arrangement, which would be based only upon mutual consent." M. de Poletica assured him that the Imperial Government fully coincided with this view of the negotiations.[b] The report of the Russian negotiator continues: "Chevalier Bagot then placed himself before the geographical map which we had at hand, and traced upon it with his finger a line beginning at the fifty-seventh degree of latitude, the intersection of which designated [*dont l'intersection désignait*[c]] the one hundred and thirty-fifth degree of longitude west of Greenwich, precisely at the point where our establishment of Novo-Archangelsk appears to be."[b]

Sir Charles Bagot, who gave a very brief account of this interview with M. de Poletica,[d] said in his report: "I then gave him to understand that the British Government would, I thought, be satisfied to take Cross Sound, lying about the latitude of 57½°, as the boundary between the two powers on the coast; and a meridian line drawn from the head of Lynn Canal, as it is laid down in Arrowsmith's last map (see Map No. 10 in the Atlas accompanying this Case), or about the one hundred and thirty-fifth degree of west longitude, as the boundary in the interior of the continent."

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[a] Appendix, p. 139.
[b] Appendix, p. 140.
[c] Appendix, p. 135.
[d] Appendix, p. 131.

There is an evident disagreement here between the two accounts of the interview, but as Sir Charles indicated the proposed line by tracing it roughly with his finger, it may be presumed that his statement of the proposal made is the correct one. (For the line proposed, see Map No. 3 in the Atlas accompanying this Case.) By either version, however, Russia would, if the boundary was adopted, be deprived of her important port of New Archangel, and that was sufficient reason for M. de Poletica to state that there was no probability of the Imperial Government withdrawing two degrees beyond the point (55° of north latitude) mentioned in the charter granted in 1799 to the Russian American Company as the southern boundary of its possessions.[a] But in view of that original limitation M. de Poletica gave the British minister to understand that he believed the Imperial Government would be willing to replace the boundary of the Russian dominions at that parallel.[b] To this extent he modified Count de Lambert's proposition, which fixed it at 54°.

Sir Charles Bagot, in his note to Mr. Canning, said of this first line of demarcation proposed by Great Britain: "I thought that it might be *for the advantage of the negotiation*[c] if I reserved the proposition of the fifty-seventh degree to a later period of it, * * *."[d] This would appear to mean that he intended to insist upon this boundary as long as the proposal of Russia remained unchanged, but that he would recede from it provided he could secure sufficient concessions in exchange.

M. de Poletica, in reporting the substance of these conferences to Count Nesselrode, said that matters of secondary importance were mentioned. Among these he stated that the British minister agreed with him "in the most explicit manner that the territorial question did not concern the Americans in the least;" but that Sir Charles thought, as did he, "that they would try to obtain" from Russia "the recognition of what they claim to be an ancient right belonging to them, not only to navigate" the Russian "waters freely, but also to trade with the natives of the country."[e]

One of these subjects, which then seemed of "secondary importance," has, in the present controversy, become of interest in determining the view of Great Britain as to the character of the sovereignty which

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[a] Appendix, p. 140.
[b] Appendix, p. 141.
[c] Not italicized in the original.
[d] Appendix, p. 131.
[e] Appendix, p. 142.

Russia would possess within the limits fixed by a treaty between them. The language of M. de Poletica is as follows: "In this way [i. e., incidentally] Chevalier Bagot, after informing me of the plan of demarcation devised by his Government, agreed unhesitatingly that when the boundaries between our respective possessions were once established we would be perfectly free to introduce into the territory allotted to us such administrative regulations as our own wisdom might suggest; that is to say, that we shall have full liberty to permit foreign navigation in our waters or to reserve them exclusively for our own use."[a] It is evident from this declaration of the British minister, who was fully empowered to speak upon this subject for his Government, that Great Britain recognized that Russia had a complete and unlimited sovereignty over her American domain, and that to navigate her territorial waters or to trade along her coasts must be granted by her as a privilege and could not be demanded as a right by any other power.

Negotiations having been postponed both by the American and the British minister at St. Petersburg, no further steps were taken until the middle of December, by which time it was expected that Sir Charles would receive dispatches empowering him to enter upon a tripartite negotiation of the territorial as well as the maritime question.[b] When the time arrived and the British minister had received no further instructions from his government, Mr. Middleton, "unwilling," as he said, "to lose any further time," delivered on December 17, 1823, to Count Nesselrode a confidential memorial upon the subject in controversy "for his own and the Emperor's perusal."[c]

This memorial, prepared by Mr. Middleton after the negotiations ceased in October,[d] is a review of the statements, arguments, and assertions contained in Mr. Adams's letters of July 22, 1823, to the American ministers at St. Petersburg and London.[e] The subject is treated so as to emphasize the Spanish claim to the American coast, by discovery, as far north as the 61st parallel, to which claim the United States had succeeded, and the rights of trade, which the United States asserted to have become vested in its citizens through a long period of undisturbed enjoyment.[f]

While the legal principles involved are discussed, the chief aim of the memorial is to establish the superiority of the territorial rights of

[a] Appendix, p. 142.
[b] Appendix, p. 58.
[c] Appendix, p. 67.
[d] Appendix, p. 58.
[e] Appendix, pp. 47–51, 52–56.
[f] Appendix, pp. 59–65.

the United States over those of Russia between 51° and 61° north latitude, and the right of the former to navigate and trade along the coasts at such places as had not been actually occupied and settled by Russia. The question of maritime jurisdiction to the extent of 100 miles from the coasts, which had been the principal cause of the negotiations, had been practically eliminated by the modification of the regulations of the ukase by the Russian Government. So far as that subject was concerned, a treaty provision insuring freedom of navigation in the North Pacific and Bering Sea to the citizens and subjects of both powers would be a sufficient formal renunciation of the Russian pretension. To such an article in the treaty to be negotiated Russia, in view of her withdrawal from her maritime claim, would presumably offer no objection. The real subject of negotiations, therefore, became the trade privileges which American citizens should in the future have along the coasts of the Russian possessions.

The negotiations, of which this memorial formed the basis, did not commence until February 21, 1824,[a] twelve days after Mr. Middleton had received a letter from Mr. Rush, dated January 9,[b] informing him that Great Britain had declined to treat conjointly with the United States at St. Petersburg, a fact confirmed by Sir Charles Bagot, who received the same day a dispatch to that effect from the Foreign Office.[a] This change of attitude by Great Britain may be credited to two causes: the territorial claims advanced by the United States, and the declaration of President Monroe in his annual message to Congress in 1823 that the continents of America were not considered subjects for future European colonization.[c]

Mr. Rush, who had received his instructions of July 22, 1823, toward the end of September,[d] was unable to obtain an interview with Mr. Canning until December 17, at which time the latter had been apprised by Sir Charles Bagot that the United States Government was prepared to assert a territorial claim as far north as 61°, which was based upon the succession to the rights of Spain, and that Mr. Middleton had been furnished with a draft of a tripartite convention covering both the maritime and territorial questions.[e]

In the interview between Mr. Rush and Mr. Canning the former presented Mr. Adams's plan for a joint treaty of the three powers,

[a] Appendix, p. 68.
[b] Appendix, p. 81.
[c] Appendix, p. 231.
[d] Appendix, pp. 52, 129.
[e] Appendix, p. 130.

providing for freedom of trade in the territory and waters westward of "the Stony Mountains" during a term of ten years, and, further, that the United States should make no settlements north of 51°, Russia none south of 55°, and Great Britain none south of 51° or north of 55°.[a] Mr. Canning expressed no opinion upon the questions involved, but Mr. Rush concluded from his remarks that he would strongly object to the limitations to British territory proposed, and that "in treating of this coast he had supposed that Britain had her northern question with Russia, as her southern with the United States." In the course of his remarks Mr. Rush said "that the United States no longer regarded any part of that coast as open to European colonization, but only to be used for purposes of traffic with the natives and for fishing in the neighboring seas." Thus Mr. Canning was informed of the policy of the United States in regard to future colonization in America by European nations, of which he was to learn more when the post should bring copies of the annual message of President Monroe, submitted to Congress two weeks before this interview.

On January 15, 1824, Mr. Canning sent an instruction to Sir Charles Bagot,[b] in which he declared that it was for the interest of Great Britain to proceed separately in the negotiation. He stated that the limits placed upon British dominion seemed to have been proposed by the United States for the purpose of avoiding any collision between itself and Russia, and of gratifying Russia at the expense of Great Britain; that he understood the proposition of joint occupancy made by the United States was objectionable to Russia, and Great Britain had no desire to press it so far as that Empire was concerned; and that, under such circumstances, there "would be some awkwardness in a tripartite negotiation."

These reasons Mr. Canning said had induced the British Government to hesitate as to the expediency of acceding to the proposal of the United States "when the arrival of the speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself * * *. I refer to the principle declared in that speech, which prohibits any further attempt by European powers at colonization in America."[c]

Mr. Canning also informed Sir Charles that Mr. Rush seemed to acquiesce in the impossibility of joint action through this "new prin-

[a] Appendix, p. 65. [b] Appendix, p. 144.
[c] Appendix, pp. 146–147.

ciple of the President's" and that it only remained to direct Sir Charles to resume his negotiation "with the Court of St. Petersburg at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavor to bring it as speedily as possible to an amicable and honorable conclusion."[a]

In a memorandum dated January 7, 1824, also sent to the British minister by Mr. Canning, the following language indicates the reason why the doctrine of the President was "decisive" in determining the British Government not to proceed jointly: "But the principle laid down with respect to colonization in the speech of the President of the United States (to which Great Britain does not assent) must be so particularly displeasing to Russia that it may be expected to create some difficulty in the negotiation between Russia and the United States. At all events, it must interpose a difficulty to that union of counsels between the United States and Great Britain without which concert would not be advantageous. Under these circumstances it is not thought advisable to send Sir C. Bagot fresh instructions for a tripartite negotiation."[b]

From the time that the determination of the British Government not to act jointly with the United States in the questions with Russia became known to the ministers of the two powers, they carried on negotiations which covered the same period of time, but were entirely distinct and independent of each other, there being no conferences and mutual exchange of views, such as had marked the previous course of the controversy.

THE AMERICAN NEGOTIATIONS OF 1824.

Mr. Middleton, upon receiving the notification that Great Britain would treat separately, at once announced to the Russian minister of foreign affairs and to Sir Charles Bagot that if any attempt was made to negotiate upon the territorial question without the participation of the United States, it would be his duty to protest in the strongest terms. He stated to the British minister that, as Great Britain had "no settlement or possession upon any part of the northwest *coast* of America," she had no "claims" to convey except such as she derived from the Nootka Sound convention with Spain, signed October 28,

[a] Appendix, p. 147. [b] Appendix, p. 69.

1790;[a] that the United States had succeeded to all the Spanish rights by the treaty of February 22, 1819,[b] which gave the latter concurrent claims with Great Britain whatever her pretensions might be; and that for these reasons any treaty between Great Britain and Russia in which the United States was not a party would be nugatory as to it and could not divest it of the right to enjoy that coast.[c] Having made a declaration of similar intent to Count Nesselrode, Mr. Middleton secured an interview with him on February 21, 1824,[d] at which he submitted a brief paper entitled "State of the Question"[e] and a treaty draft[f] similar to the one sent to him by Mr. Adams in his letter of instructions of July 22, 1823.[g]

A second conference occurred on March 4, at which Count Nesselrode and M. de Poletica submitted a counter draft to the one Mr. Middleton had presented at the first conference.[h] In this the line of demarcation was changed from 55° to 54° 40′, and Russia further proposed the exclusion of Americans north of that line except at the port of New Archangel, and of Russians south of it.[i] Mr. Middleton informed the Russian negotiators that their proposal was "utterly inadmissible," and that his instructions were that two points must be obtained before he should enter into a "*territorial delimitation for settlements* at fifty-five degrees." M. de Poletica replied that he would never sign any instrument allowing American ships free admission to the Russian coasts. Count Nesselrode remained silent. Mr. Middleton then agreed to take the counter draft under consideration.[j]

At the third conference on March 8,[j] Mr. Middleton submitted a memorandum upon the counter draft, which accepted the first article proposed by Russia relating to the freedom of navigation in the Pacific Ocean and the right to resort to unoccupied coasts, modified the second article by limiting the prohibition to visit the possessions of the other power, without consent, to places occupied by settlements, and sub-

[a] Hertslet's Commercial and Slave Trade Treaties, etc., Vol. II, p. 256.

[b] Treaties and Conventions between the United States and Other Powers, p. 1016.

[c] Appendix, p. 70.

[d] Appendix, p. 71.

[e] Appendix, p. 81.

[f] Appendix, p. 82.

[g] Appendix, p. 51.

[h] Appendix, pp. 72–73.

[i] Appendix, p. 83.

[j] Appendix, p. 73.

stantially agreed that the line of demarcation for future settlement should be 54° 40′ instead of 55°. To the latter article Mr. Middleton added the following: "It is at the same time agreed, however, that the vessels of the two powers, or belonging to their citizens and subjects, may, reciprocally, frequent all the interior seas, gulfs, harbors, and creeks of the said coast in order to carry on fishing *and trade with the natives of the country* without any hindrance or molestation whatever during *ten* years, to be counted from the date of signing the present convention."[a]

Count Nesselrode and M. de Poletica took Mr. Middleton's proposals under consideration. On March 20 the plenipotentiaries again met. Count Nesselrode stated the last draft of the United States had been considered and but little remained to be done to reach an agreement, and that it only required to strike out the italicized phrase relative to trade, and to change the "ten years" to "five years." To this Mr. Middleton replied that such a change would amount to a stipulation to enjoy for a brief term, and as a privilege, that which the United States was entitled to by the law of nature, "in common with all other independent nations, to wit, *the fisheries* upon an *unoccupied* coast."[b] It is evident from this statement that Mr. Middleton deemed a stipulation permitting acts on the part of citizens and subjects of the contracting powers for a fixed term was the grant of a privilege, and necessarily a recognition of sovereignty in the power granting it.

Having stated his objections to the proposed changes, the American envoy delivered to Count Nesselrode a brief paper which treated solely of the weakness of Russia's territorial claims.[a] Undoubtedly this action had the effect of inducing the Russian plenipotentiaries to concede the provisions relative to reciprocal trade privileges rather than to open up the question of the legality of the Russian title to the territory, for Count Nesselrode at once seemed inclined to come to an agreement as to these privileges, provided that traffic in firearms and ammunition was prohibited. To this Mr. Middleton objected that other nations might profit by the prohibition, but as it was not formally proposed, its consideration was postponed to another meeting.[c]

A delay of two weeks occurred, occasioned, as Mr. Middlton supposed, "to give time for consultation with the directors of the Russian American Company." On April 3 M. de Poletica left with the

[a] Appendix, p. 84. [b] Appendix, p. 74. [c] Appendix, p. 75.

American minister for his consideration a new draft, explaining that the Emperor desired to add spirituous liquors to the prohibited articles of trade.[a] Between April 5 and 14 six conferences took place between the negotiators, several counter drafts were submitted and discussed, and finally on April 5/17, 1824, the treaty between the United States and Russia was signed.[b]

The articles of this treaty which are of importance in the present discussion are the third and fourth, which relate to the line of demarcation and the reciprocal privileges of trade. They are as follows:

ARTICLE III.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, nor under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

In explaining the reason for consenting to a limitation upon the privilege of trade, Mr. Middleton said that he would not have done so without receiving further instructions, but he apprehended that before they could arrive Great Britain and Russia would certainly have come to an agreement upon a boundary without the participation of the United States; and he added: "We should then have no equivalent to offer for the trade we covet upon their shores, as neither of these nations seem disposed to consider as valuable any like advantage we may have it in our power to grant."[c] This language explains fully the object sought from the outset by the United States—a continuance of its trade with the natives on the Northwest Coast, although it was limited by force of circumstances to a period of ten years. Russia had also secured by the treaty the desired

[a] Appendix, p. 75. [b] Appendix, pp. 10, 76.
[c] Appendix, p. 78.

recognition of her sovereignty over the coast as far south as 54° 40′ north latitude, above which she could establish her settlements at will and exercise her governmental authority.

Count Nesselrode, in a letter to Admiral Mordvinof,[a] informing the Russian American Company of the negotiations with Great Britain and of the conclusion six days previously of a treaty with the United States, wrote: "In Article III the United States recognize the sovereign power of Russia over the western coast of America from the Polar Seas to 54° 40′ of north latitude; * * *. In Article IV we allow the American States, though for no longer time than ten years, to trade and fish in places within our dominions; * * *."[b] He proceeded to show that the trade of the Americans had been allowed by the company as if it were a natural right, and that it was much more to the company's benefit that it should be carried on "by permission granted them by us in solemn Convention, as through this the Americans as solemnly recognize that after the expiration of the few prescribed years we shall have the legal right to prohibit both trade and fishing in this region."[c]

THE BRITISH NEGOTIATIONS OF 1824 AND 1825.

In the meanwhile the negotiations between Great Britain and Russia had been in progress. The letter of Mr. Canning to Sir Charles Bagot, dated January 15, 1824,[d] which directed the latter to pursue the negotiations separately from the United States, contained a review of the territorial question, and instructions as to the course to be followed. These had been prepared after Mr. Canning had consulted with Mr. Pelly, the deputy governor of the Hudson's Bay Company, who subsequently, on January 8, 1824, embodied the views of the company in a letter to the Foreign Office.[e]

In this communication, which was to form the basis of the instructions to Sir Charles Bagot and the guide to his conduct of the negotiations at St. Petersburg, Mr. Pelly stated that from information lately received it appeared that the traders of the Hudson's Bay Company were "extending their posts still farther to the west of the Rocky Mountains," and that there was a chain of trading stations on

[a] Appendix, p. 166.
[b] Appendix, p. 168.
[c] Appendix, p. 169.
[d] Appendix, p. 144.
[e] Appendix, p. 149.

the Mackenzie River as far north as 67°. He argued that, as Sitka was on an island, its occupation gave Russia no title to the opposite continent; but, even if she "had stations on the seacoast of the continent," that gave her no better title than Great Britain secured by the posts on the Mackenzie.

Mr. Pelly's letter continues:

> From a want of accurate knowledge of the courses of the rivers or ranges of mountains, it is difficult to suggest any satisfactory boundary in the interior of the country in question, and (if consistent with your views) it might, perhaps, be sufficient at present to settle a boundary on the coast only and the country 50 or 100 miles inland, leaving the rest of the country to the north of that point and to the west of the range of the mountains which separate the waters which fall into the Pacific from those which flow to the east and north open to the traders of both nations.
>
> In this case, I would suggest the northern end of the inlet called Chatham Straits as the most southern point at which the coast boundary ought to be fixed. This is but a little (if at all) to the north of the most northern trading station in the country to the west of the Rocky Mountains.
>
> The islands lying to the west of Chatham Straits may be given to Russia; but the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it.
>
> If it is considered proper to fix at present the interior boundary, I would suggest a line drawn from the above-mentioned point at Chatham Straits due north until it strikes the range of mountains which separate the waters (being the supposed continuation of the range called the Rocky Mountains), and thence to follow the ridge of these mountains to the Frozen Ocean.
>
> This is the greatest concession which I think it would be advisable to make to Russia with regard to the interests of the British fur trade, and it would be desirable, as the means of preventing the risk of collision between the traders of the two nations, if Mount Elias on the coast at 60° north latitude was taken as the boundary point, from whence the line of longitude should be drawn.[a]

The notable points in this boundary proposition of the Hudson's Bay Company is that the coast line of demarcation should be at the "northern end of the inlet called Chatham Straits" (Lynn Canal); and from that point the line should run southward through Chatham Strait. As to the line inland from Lynn Canal the suggestion was to carry it due north to the Rocky Mountains and then along the range to the Arctic Ocean, but this is modified in the last paragraph by the suggestion that the line should run from Lynn Canal to Mount St. Elias before following a parallel of longitude.

It would seem that Mr. Pelly, in his conference with Mr. Canning, had to some extent varied this proposal, for the latter wrote that Mr.

[a] *Appendix, p. 150.*

Pelly suggested "either the channel between the islands [Chatham Strait], or that between the islands and the mainland [Stephens Passage] as the most desirable line of demarcation to the eastward."[a]

Another feature of Mr. Pelly's letter is the statement, "the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it." This is indicative of the attitude of the Hudson's Bay Company toward reciprocal trade privileges, which, though ultimately obtained because included in the treaty between the United States and Russia, were neither desired nor sought by the British fur company.

Having reviewed the relations of the three powers on the Northwest Coast, Mr. Canning stated to Sir Charles Bagot: "The Russian ukase contains two objectionable pretentions: First, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion."[b] As to the first, he said, that all that remained for negotiation was to clothe the disavowal of Russia, already made, in satisfactory terms. As to the second, the line suggested by Mr. Pelly would be most satisfactory, but, if that could not be secured, "then the line must be drawn on the mainland to the north of the northernmost post of the Northwest Company from east to west till it strikes the coast, and thence may ascend to whatever latitude may be necessary for taking in the island on which Sitka stands."[c]

Mr. Canning, still following the suggestions of the Hudson's Bay Company, proposed in a vague way that Russian territory south of the head of Lynn Canal should be confined to "50 or 100 miles from the coast," beyond which the Russian posts should not be extended to the eastward. "We must not on any account," he said, "admit the Russian territory to extend to the Rocky Mountains."[c] While the exact intent of Mr. Canning's proposal is very uncertain, it is important as the first suggestion of a strip of territory along the coast, which strip later developed into the *lisière* with a width of 10 leagues introduced into the negotiations and the treaty.

This letter of instructions was received, as has been said, by Sir Charles Bagot on February 9, 1824,[d] and one week later he had a con-

[a] Appendix, p. 145. The channels are named, as here stated, in the same paragraph from which the quotation is taken.

[b] Appendix, p. 147.

[c] *Appendix*, p. 148.

[d] *Appendix, p. 68.*

ference with the Russian plenipotentiaries, Count Nesselrode and M. de Poletica. At the outset it was agreed "that the question of strict right should be provisionally waived on both sides," and that the adjustment of their "mutual pretensions should be made upon the sole principle of the respective convenience of both countries." Having stated that he conceived the wishes and interests of Russia to be to secure her trade on the islands and coasts, and that the chief objects of Great Britain were "to secure the posts upon the continent belonging to the Hudson's Bay Company, the embouchures of such rivers as might afford an outlet for our fur trade into the Pacific, and the two banks of the Mackenzie River," Sir Charles proposed as a "boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence northwest to the one hundred and fortieth degree of longitude west of Greenwich, and then along that degree of longitude to the Polar Sea." (For this proposed line see Map No. 3 in the Atlas accompanying this Case.)

This boundary line proposed by the British minister was substantially the one suggested by the Hudson's Bay Company. It differed from the one proposed by him during his conferences with M. de Poletica in October, 1823[a], in that it included Chichagof and Baranof islands within the Russian possessions, though transferring the boundary north of the head of Lynn Canal five degrees farther westward, presumably for the purpose of securing to Great Britain the entire valley of the Mackenzie. This oral proposal by Sir Charles was taken under consideration by the Russian plenipotentiaries, and at their next meeting, on February 24, they submitted a counter draft,[b] of which the substance is as follows: The line of demarcation on the coast was to be at 55° north latitude, the boundary of Russian possessions fixed by the ukase of 1799; but, since that would cut through the southern extremity of Prince of Wales Island, it was proposed to include the southern points within Russian territory. "To complete the line of demarcation and render it as distinct as possible, the plenipotentiaries of Russia have expressed the desire to make it follow Portland Channel [*le Portland Canal*] up to the mountains which border the coast. From this point the boundary would ascend along those mountains, parallel to the sinuosities of the coast, as far as the one hundred and thirty-ninth degree of longitude (meridian of London), the line of

[a] Appendix, p. 131.

[b] Appendix, p. 158.

which degree, prolonged northward, would form the ulterior limit between the Russian and English possessions, to the north as well as to the east."

From this description of the proposed boundary it is clear that the Russian negotiators had before them a map which delineated a range of mountains following the curvatures of the coast from Portland Canal to 139° west longitude. Upon the charts of Vancouver, covering this region (see Maps Nos. 4 and 5 in the Atlas accompanying this Case), such a mountain range is laid down, and the cartographers, who followed his surveys closely, reproduced this feature also.

A map which is known to have been examined by Sir Charles Bagot and was undoubtedly used by the Russian plenipotentiaries, since it was issued officially by the Russian Government, was the one prepared by the quartermaster-general's department, and published in 1802.[a] (See Map No. 6 in the Atlas accompanying this Case.) An inspection of this map shows that it is to all intents a copy of the Vancouver charts, with a few names added and changed to correspond with the Russian nomenclature. The coast range of Vancouver is charted in detail, winding along the shores and around the inlets and bays from the 56th degree of north latitude to the 139th of west longitude. It is possible also that the Russian navigators had the French edition of the Vancouver atlas, which would show the mountains as depicted in the original English publication. No other maps of the time were on so large a scale as those, and it is to be presumed that in studying the geography of these regions for the purpose of determining an inland boundary the Russian officials sought the charts which dealt most in detail with the coast and islands. These were the Vancouver maps or those which were reproductions of them.

The natural inference from the circumstances is that the Russian map of 1802, or a subsequent edition of it, was the one before Count Nesselrode and M. de Poletica when they made their counter draft proposing the mountain range winding along the coast as the eastern boundary of the Russian possessions. An examination of this map will explain the meaning of the phrase "the desire to make it [the line of demarcation] follow Portland Channel [*le Portland Canal*] up to the mountains which border the coast."

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[a] Appendix, pp. 101, 127.

The counter draft states the intent of its authors in making this proposal for an inland boundary in the following paragraph:

> The principal motive which constrains Russia to insist upon sovereignty over the above-indicated lisière (strip of territory) upon the mainland (terre ferme) from Portland Channel to the point of intersection of 60° latitude with 139° longitude is that, deprived of this territory, the Russian American Company would have no means of sustaining its establishments, which would therefore be without any support (point d'appui) and could have no solidity.[a]

The monopoly of the Russian American Company was only of value so long as there were no trading establishments located in the vicinity of the islands and inland waters bordering the coast over which their grant of exclusive trade extended. While independent traders coasting along the shores were an annoyance to the company, they were not so serious a menace as a single trading post would have been, located upon the continental shore, to which the natives could bring their furs and from which white trappers could carry on their industry in the neighboring streams and rivers. It was to prevent this dangerous form of competition that the Russian plenipotentiaries proposed a *lisière* which would operate as a barrier to the further advance of the Hudson's Bay Company toward the coast and prevent the establishment of rival factories among the natives with whom the Russian company carried on its trade. The purpose of fixing an inland boundary, which should form such a barrier, had been recognized by M. de Poletica in his conferences with Count de Lambert in November, 1823,[b] as already noted.[c]

Sir Charles Bagot, in the amended proposal which he submitted after rejecting the counter draft of the Russian negotiators, stated of the proposed boundary that "a line of demarcation drawn from the southern extremity of Prince of Wales Island to the mouth of Portland Channel, thence up the middle of this channel until it touches the mainland (terre ferme), thence to the mountains bordering the coast, and thence along the mountains as far as 139° longitude, would deprive His Britannic Majesty of sovereignty over all the inlets and small bays lying between latitudes 56° and 54° 45′, whereof several (as there is every reason to believe) communicate directly with the establishments of the Hudson's Bay Company and are, consequently, of essential importance to its commerce; while, on the other hand, the Russian American

[a] Appendix, p. 158.

[b] Appendix, p. 137.

[c] See *ante*, p. 29.

Company possesses no establishments on the mainland (terre ferme) between the two above-mentioned parallels, or even on Prince of Wales Island, or on the islands located between the latter and the mainland."[a]

The notable part in this statement by the British minister is that he objected to the proposed line since "it deprived His Britannic Majesty of sovereignty over all the inlets and small bays [*de toutes ces anses et de ces petites baies*] lying between latitudes 56° and 54° 54′." The reason why he confined his objection to the coast between these parallels becomes apparent upon reading the proposal for a boundary offered by him in the same document in which the foregoing quotation appears. The proposal is as follows: "In order to obviate this difficulty, and to insure to Russia the exclusive sovereignty of these waters, as well as all the islands and coasts where there are really Russian establishments, Great Britain would offer to accept as the line of demarcation between the territories of the two powers a line traced from the west toward the east along the middle of the channel which separates Prince of Wales and Duke of York islands from all the islands situated to the north of the said islands until it touches the mainland (terre ferme). Thence, extending in the same direction on the mainland to a point 10 marine leagues from the coast, the line would run from this point toward the north and northwest, parallel with the sinuosities of the coast, and always at a distance of 10 marine leagues from the shore, as far as the 140° of longitude (Greenwich), the prolongation of which it would then follow to the Polar Sea."[a]

Sir Charles, following that portion of his instructions which directed him to secure at least a line on the mainland as far north as the northernmost post of the Hudson's Bay Company west of the Rocky Mountains, which, according to Mr. Pelly's letter of September 25, 1822, was "the Rocky Mountain portage in 56° north latitude,"[b] proposed a line passing through Sumner Strait and reaching the shore of the continent in the neighborhood of Wrangell, about latitude 56° 30′. The Russian proposition for a *lisière*, he proposed to modify by limiting it to a fixed width of 10 marine leagues, at which distance the line should run north and northwest "parallel with the sinuosities of the coast, and always at the distance of 10 marine leagues from the shore

[a] Appendix, p. 159.

[b] Appendix, p. 109.

[*rivage*[a]] as far as the one hundred and fortieth degree of longitude." (See Map No. 3 in the Atlas accompanying this Case.) It would appear that this change of the inland boundary from the supposed mountain range to a uniform distance from the shore was in order to meet the direction of Mr. Canning in regard to limiting the Russian possessions south of Lynn Canal to 50 or 100 miles from the coast.

This third line proposed by the British minister was a decided departure from his former proposition. It added to the two islands Chichagof and Baranof the entire archipelago north of Prince of Wales and Duke of York islands.[b] The most important change, however, related to the continental possessions of Russia. By his first proposition Sir Charles had confined these possessions to the territory bounded by the Pacific Ocean, Cross Sound, Lynn Canal, and a line drawn northwest from the head of that inlet to the 139th degree of longitude. By his second proposition he had not increased this area in any respect but rather limited it by carrying the northern boundary to the 140th degree. But by his third proposition he extended this territory on the mainland as far southward as 56° 30′ of north latitude and eastward 10 marine leagues from the edge (*rivage*) of the continent.

In spite of the marked recession of the British plenipotentiary from his first two proposals, the Russian negotiators indicated no inclination to make like concessions. On the contrary, they maintained with firmness their proposition, in no way modifying or changing the boundary which they had laid down in their counter draft. They called attention to the advance of the establishments of the Hudson's Bay Company westward along the 53d and 54th parallels, and of those of the Russian American Company southward; and stated that, while the latter may not have "yet made permanent establishments on the mathematical line of the fifty-fifth degree * * * it regularly oc-

[a] Appendix, p. 159. "RIVAGE: Les rives, les bords de la mer. BORD: L'extrémité d'une surface, ou ce qui la termine. *Le bord d'une robe, les bords d'un précipice.*" (Dictionnaire de L'Académié Française, 6me édition, Paris.) *Rivage* is derived from the Latin word *ripa*, bank, the line where water ends and land begins. The word *shore*, which correctly interprets it, is literally "that which is shorn off, edge;" it is "the edge or margin of the land." (The Century Dictionary; Webster's International Dictionary.)

[b] The two islands, now known as Zarembo and Etolin, were charted in the early maps as one island, named Duke of York. See Map No 2 in the Atlas accompanying this Case.

cupies the islands and neighboring coasts during the season which allows it to send its hunters and fishermen there." By way of contrast to this assertion they declared, "it can not be proved they [the establishments of the Hudson's Bay Company] reach the Great Ocean at any point."[a]

Having thus shown that the interests of Russia extended as far south as 55°, the Russian negotiators emphasized to the British minister the importance to Russia of a continental *lisière* in the following words: "The plenipotentiaries of Russia have the honor to repeat to him that without a lisière upon the continental coast, starting from Portland Channel, the Russian establishments on the islands in the vicinity would have no support (point d'appui); that they would be at the mercy of the establishments which strangers might form upon the mainland, and that any such arrangement, far from being founded upon the principle of mutual accommodations, would but offer dangers for one of the parties and exclusive advantages for the other."[a]

What Russia dreaded, as has been said, was the location of rival trading posts on the coast, and it would seem that Great Britain, or rather the Hudson's Bay Company, desired to secure possession of the coast for that very purpose. In the counter draft submitted to Sir Charles Bagot at the second conference Russia had offered the British subjects "the free navigation of all the rivers which empty into the ocean through the said lisière."[b] If the sole object of insisting upon the territory lying on the coast was to obtain egress and ingress to and from the ocean, the unlimited privilege proposed by Russia would have been sufficient. The inferable conclusion is that another and a stronger motive induced the British plenipotentiary to ignore this proposal and insist on possession of the coast as far north as 56° 30′—namely, the opportunity that such territory would offer for erecting trading posts by which some portion of the lucrative fur trade carried on by the Russians could be diverted to the Hudson's Bay Company. Such a conclusion must have been reached by the representatives of Russia and induced them to unswervingly demand a territorial "barrier" against the nearer approach of British settlements.

The language, in which the observations of the Russian plenipotentiaries had been couched, was distasteful to Sir Charles Bagot, since it termed concessions by Russia what Great Britain claimed as rights,

[a] Appendix, p. 161. [b] Appendix, p. 158.

and he vigorously protested against it, at the same time rejecting again the line proposed by Russia.[a] He asserted that His Britannic Majesty could not, "without sacrificing the interests of the [Hudson's Bay] company, renounce his rights of sovereignty over the coast and the islands directly dependent thereon, as far as 56° 30′ of north latitude;" that the "head of Portland Channel may be, as there is reason to believe, the mouth of some river flowing through the midst of the country occupied by the Hudson's Bay Company;" and that it was "consequently of great importance to Great Britain to possess the sovereignty of the two shores thereof."

In view of these statements Sir Charles then laid before the Russian plenipotentiaries, at a meeting held about March 17, a paper which contained what he gave them to understand was his "ultimate proposition."[b] It was as follows: "It seems that a line drawn from the southern extremity of the strait called 'Duke of Clarence's Sound,' through the middle of this strait to the middle of the strait which separates Prince of Wales and Duke of York islands from all the islands lying north of those islands, thence toward the east through the middle of the same strait to the mainland, to be prolonged afterwards in the direction and manner already proposed by his Britannic Majesty's plenipotentiary as far as Mount Elias or to the intersection of the 140th degree of longitude, would form a line of demarcation which would conciliate the mutual convenience of the two parties, and which would perhaps satisfactorily assure the reciprocal interests, both present and future, of the two empires in that part of the globe."[a]

This fourth line of demarcation (see Map No. 3 in the Atlas accompanying this Case) proposed by the British minister did not change the continental boundary, but added Prince of Wales Island to the Russian possessions. It reserved to Great Britain "the two shores" of Portland Canal and "the coast and the islands directly dependent thereon as far as 56° 30′ of north latitude," the territory which he deemed to be necessary to the interests of the Hudson's Bay Company.

Ten days passed before the plenipotentiaries of Russia submitted a reply to this last proposition of Sir Charles Bagot.[b] In it they stated that the proposals had been examined by the Emperor, who had charged them to repeat to the British plenipotentiary:[c] "That the

[a] Appendix, p. 163.
[b] Appendix, p. 156.
[c] Appendix, p. 164.

ssion of Prince of Wales Island without a slice (portion) of tory upon the coast situated in front of that island could be of no ty whatever to Russia. That any establishment formed upon said nd, or upon the surrounding islands, would find itself, as it were, ked by the English establishments on the mainland and completely the mercy of these latter. * * * That finally, as to the navigation the rivers, Russia believed that she had offered to Great Britain l the advantages and concessions that the latter could desire. And nat, in view of this state of things, the plenipotentiaries of His mperial Majesty had received orders to insist upon their previous proposals, the reasons for which proposals they had fully explained to his excellency Sir Bagot."[a]

Undoubtedly the Russian Government was willing to delay negotiations with Great Britain because of the expectation of the signature of a treaty with the United States. The negotiations with Mr. Middleton were approaching a satisfactory conclusion, and a line of demarcation on the coast at 54° 40′ north latitude had been substantially agreed upon. The solemn recognition of that line by the United States in a treaty provision would add strength to the position of Russia, that her continental possessions should extend as far south as that parallel.

Sir Charles Bagot, finding that the decision of the Russian plenipotentiaries was final, announced that, as he had already exceeded his instructions, he must consider the negotiations necessarily ended, so far as the question of territorial demarcation was concerned.[b] Count Nesselrode asked to have the final decision submitted to the British Government, expressing the hope that Sir Charles would receive further instructions which would meet the Russian views. This the latter said he would do, but suggested that the maritime question, "which would not admit of equal postponement," should be adjusted in the meanwhile. Count Nesselrode replied "that if the territorial arrangement was not completed he did not see the necessity of making any arrangement respecting the maritime question." Sir Charles, surprised by this attitude of the Russian negotiator, argued that Russia had already engaged to retract her pretension of dominion over the sea; but his efforts were unavailing, and the conference ended without action upon this point.

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[a] Appendix, p. 165.

[b] Appendix, p. 156.

The British minister, in reporting to the Foreign Office the course and failure of the negotiations, said: "I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retraction of the maritime pretension, or as regards our western boundary, or any of the other minor details which we should have been called upon to adjust." [a]

The territorial controversy, through the gradual withdrawal of the British demands as shown by the four lines of demarcation proposed by Sir Charles Bagot (see Map No. 3 in the Atlas accompanying this Case), had shrunk to a dispute over the possession of an irregularly shaped section of the continent bounded on the east by Pearse and Portland Canals and a presumptive chain of mountains, on the north by a line extending from a point on the coast, about latitude 56° 30′, to the mountain range, and on the west by the indented continental shore line, together with the islands lying between Clarence Strait and the mainlaind from 54° 40′ to 56° 30′ and those situated north and west of Portland Canal and between it and the continent.

Shortly after the signature of the treaty between the United States and Russia, April 5/17, 1824, Count Nesselrode reviewed in a letter to Admiral Mordvinof the progress of the negotiations with both the United States and Great Britain.[b] He stated that Russia sought the interests of the Russian American Company, and that "Great Britain, on her part, represents the rights of the Hudson's Bay Company." Having set forth the danger of "disagreeable consequences" arising from the extension of the settlements of both companies along the 55th parallel, he continued: "For this only one expedient presents itself—to establish at some distance from the coast a frontier-line which shall not be infringed by our establishments and trappers, as also by the hunters of the Hudson's Bay Company. The plenipotentiaries on both sides equally recognized the necessity of this measure; but the width of the coast-line necessary for the safe existence and consolidation of our Colonies, the direction of the frontier, and even its starting point on the Continent of America, still form subjects of negotiation, and the British Ambassador has declared that for continuing them he must seek new instructions from his court." [c]

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[a] Appendix, p. 156. [b] Appendix, p. 166.

[c] *Appendix, p. 167.*

This statement shows beyond controversy the purpose of establishing a *lisière* upon the continent. It was, as has been said, to create an unbroken barrier along the entire water-front of the continent.

Count Nesselrode further called the attention of his correspondent to the fact, "that, in accordance with contemplated plans, these settlements [i. e., colonies] after the line of frontier has been fixed, will acquire recognized and undisputed possession of a considerably extensive zone of country."[a] This statement is in answer to Admiral Mordvinof's assertion that "seaboard colonies require for their welfare, not only the control of the shore," but broad lands on the mainland.[b] At the time Count Nesselrode wrote, Russia had taken a decided position as to the *lisière*, from which she did not afterwards recede; and, when he termed this *lisière* "a considerable extensive zone of country," he showed that it was his understanding that no inconsiderable area on the continent would be secured if the proposed boundary was accepted by Great Britain; while the expression, "recognized and undisputed possession" indicated his views of the territorial rights which Russia would obtain.

The dispatch of Sir Charles Bagot announcing the failure of the negotiations at St. Petersburg was received at the Foreign Office on April 14, 1824. On the 24th Mr. Canning wrote approving his suspension of the conferences and stating that he had "referred the whole question of this negotiation anew to the Governors of the Hudson's Bay Company, whose Report" he expected shortly to receive. He added: "I have some reason to think that that Report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time."[c]

Toward the latter part of May the Russian minister at London, who had been previously apprised of the suspension of the negotiations at St. Petersburg, received a dispatch from his government outlining its attitude in the controversy.[d] In this communication Count Nesselrode stated the *lisière* proposed by Russia, and in explaining the southern boundary used the following language: "We proposed to carry the southern frontier of our domains to latitude 54° 40′ and to make it abut upon the continent at the Portland Canal, of which the opening into the ocean is at the same latitude as Prince of Wales

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[a] Appendix, p. 167.
[b] Appendix, p. 152.
[c] Appendix, p. 175.
[d] Appendix, p. 172.

Island, and which has its origin inland between 55° and 56° of latitude."[a]

This statement locates definitely and beyond controversy the line of demarcation between the British and Russian possessions until it reaches the mainland. After reciting in detail the relative interests of the Russian American and Hudson's Bay companies in the disputed territory, which "appear insignificant on the map at first glance," he summarized in the following sentence the purposes of the negotiation: "Thus we wish to *keep* and the English companies wish to *obtain*."[a]

He argued the weakness of the British claim, as shown by the lack of settlements on the coast; that Great Britain, by the treaty of 1818, had admitted that the claim of the United States was as valid as hers; and that the latter power had, by the treaty recently signed, fixed the Russian boundary at 54° 40′. He declared: "Russia can not stretch her concessions further. * * * Russia, when she insists on conserving a moderate expanse of the mainland (terre firme), only insists fundamentally upon the means of utilizing—we can better say, of not losing—the environing islands."[b]

Count Lieven at once laid this dispatch before Mr. Canning, who, on May 29, notified the former that Sir Charles Bagot would be given discretion to enable him to admit the line of demarcation on the coast proposed by Russia, with certain qualifications which he stated as follows: "The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend. It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September, 1821, are to be altogether withdrawn."[c]

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[a] Appendix, p. 173.

[b] Appendix, p. 174.

[c] Appendix, p. 180.

In announcing to his Government the acquiescence of Great Britain to the Russian proposals, Count Lieven stated that Mr. Canning assured him "that he had found the greatest difficulty in gaining the consent of the Hudson Bay and Northwest Companies to the plan of demarcation proposed." The Russian minister informed Mr. Canning of the needlessness of demanding "the free use of the rivers inclosed in the Russian possessions" and of the freedom of the seas, since the first had been already offered and the second was settled by the treaty with the United States, but the British secretary desired to have them appear as demands on the part of his government.[a]

The same day (May 29) Mr. Canning sent to Sir Charles Bagot copies of his letter to Count Lieven and of Count Nesselrode's dispatch, stating that definite instructions would soon be forwarded to him.[b] It was, however, not until July 12 that these were sent, together with a proposed draft of treaty embodying the modifications of the Russian proposal desired by Great Britain.[b] In the instructions Mr. Canning, after conceding the southern boundary at 54° 40′, said that there were two points to be settled by the British negotiator, namely, to fix "the eastern boundary of the strip of land to be occupied by Russia on the coast" at the "seaward base of the mountains," and to secure the proviso that the line "should in no case * * * be carried further to the east than a specific number of leagues from the sea."[b]

He gave as the grounds for requiring this provisional limitation the former experience of Great Britain as to the inaccuracy of maps in laying down mountains, and that, although the mountains under discussion "appear by the map almost to border the coast," they may turn out "to be far removed from it." As to the width of the *lisière*, Mr. Canning said that the "utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues."[b]

The treaty inclosed is in substance as follows: A stipulation for the free navigation of the Pacific and Arctic oceans; a delimitation of a boundary similar to the one finally agreed upon, with the exception that the eastern frontier of the Russian possessions was to be "at or within the seaward base of the mountains" bounding the coast; a pro-

[a] Appendix, p. 179. [b] Appendix, p. 180.

viso that the *lisière* should not extend more than —— marine leagues in breadth from the sea toward the interior; a stipulation opening forever the port of Sitka to commerce and granting forever to British subjects free navigation along the coasts and islands through these rivers which crossed the *lisière;* an agreement for reciprocal trade privileges on the coasts of either party for the space of —— years, excepting trade in liquors, weapons, and gunpowder; and that no establishments should be formed by the subjects of either power within the territory of the other.[a]

At the time or soon after the transmittal of this draft to Sir Charles Bagot, Mr. Canning submitted a copy to Count Lieven,[b] who, in a memorandum on the subject, objected to the boundary running along the base of the mountains, for the reason that, as a general rule, when a chain of mountains served to fix a frontier line the summit was employed, and that, in the case under consideration, the word *base* was of too indefinite a meaning, "for," he added, "it is certainly not among the impossibilities, in view of the uncertain ideas yet prevalent in regard to the geography of these regions, that the mountains chosen for the boundary line should extend, by an imperceptible declivity, to the very edge of the coast."[c]

Mr. Canning, evidently impressed by the soundness of the Russian minister's observations, wrote Sir Charles Bagot, on July 24,[d] that no great inconvenience could arise from "consenting to substitute the summit of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the *lisiere* is in any case to run, be adopted, * * * and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains." Count Lieven four days later informed his government of his action regarding the treaty draft.[e]

On September 9, 1824, a dispatch was received at the Foreign Office, from the British minister at St. Petersburg, announcing that after two meetings with the Russian plenipotentiaries he had ascertained that it was "totally impossible" to conclude a treaty at all reconcilable with the draft forwarded to him.[f] He stated that the differences lay in the clauses relating to Sitka, the perpetual right of navigation and trade

[a] Appendix, pp. 182–185.
[b] Appendix, p. 187.
[c] Appendix, p. 189.
[d] Appendix, p. 187.
[e] Appendix, p. 186.
[f] Appendix, p. 190.

along the *lisière*, and the liberty to visit other portions of the coast; and that Russia was willing to grant trade privileges for ten years between Portland Canal and the 60th parallel, and to grant forever the right of ingress and egress into and from the rivers flowing across the *lisière;* but that in the Russian view a perpetual concession of trade and navigation "was repugnant to all national feeling and was inconsistent with the very idea of sovereignty."[a] Sir Charles, discouraged by the impossibility of harmonizing these differences with his instructions, as is evident from the tone of his dispatch, brought the negotiations abruptly to an end. He was no longer to take part in the controversy, being soon after transferred to The Hague.

In the dispatch announcing the failure of his second negotiation, the British minister inclosed a counter draft of treaty delivered to him by the Russian plenipotentiaries[b] which embodied the limitations as to navigation and trade which he had reported. In this counter draft also the arrangement of the subjects of negotiation was changed, the territorial delimitation being given the first place, the reciprocal trade privileges being second, and the guaranty of free navigation of the Pacific coming last, while in the preamble the boundary appeared to be the prominent subject. Article I, which relates to the boundary, in tracing the line from its commencement to the head of Portland Canal, is similar in its provision to that in the draft by Mr. Canning. From that point, however, the Russian article provided that the line should "be carried along the coast, in a direction parallel to its sinuosities," as far as the 139th degree. All reference to the summit or base of mountains is omitted. Article II reads as follows: "The *lisière* (strip of territory) on the northwest coast belonging to Russia, from Portland Channel to the point of intersection of the 139th degree of west longitude (meridian of Greenwich), shall not be wider on the continent than 10 marine leagues from the shore of the sea [*bord de la mer*]."[c]

It should be borne in mind that Sir Charles Bagot in his third and fourth boundary propositions[d] had met the Russian proposals[e] of a frontier along the coast range of mountains by suggesting a line "*toujours à la distance de 10 lieues marines du rivage.*" Count Nesselrode in explaining the provision of his counter draft to Count Lieven

[a] Appendix, p. 191.
[b] Appendix, p. 193.
[c] Appendix, p. 194.
[d] Appendix, pp. 159, 163.
[e] Appendix, pp. 158, 161.

said: "It abolishes the establishment [*la désignation*] of the mountains as the boundary of the strip of mainland which Russia would possess on the American Continent, and limits the width of this strip to 10 marine leagues, in accordance with the wishes of England."[a] In a memorandum regarding the counter draft he further said: "We have suppressed all mention of the mountains which follow the sinuosities of the coast. It became useless from the moment that one [of the articles] fixed the width of the strip of mainland which would belong to Russia in marine leagues."[b]

It would appear that Count Nesselrode had concluded from the draft of treaty handed to him by Sir Charles Bagot that the provisions defining the *lisière* had been drawn so as to harmonize the Russian mountain frontier and the British limit of 10 leagues. Presumably the map of the quartermaster-general's department, the Vancouver maps (see Maps Nos. 4, 5, and 6 in the Atlas accompanying this Case), or copies of them were before him. An examination of these shows that the mountain chain along the coast and a line 10 leagues from the shore practically coincide. Under such circumstances to employ both methods was useless and might cause confusion and controversy, and therefore, to meet what he conceived to be the real desire of Great Britain as expressed by her minister at St. Petersburg, he substituted for the Russian proposal a *lisière* uniformly 10 leagues in width.

The communication, in which Count Nesselrode discussed the counter draft of Russia, was sent to Count Lieven on September 25,[c] and the latter was authorized to read it to Mr. Canning and to give him a copy of it.[d] It was prepared, therefore, as a document to form part of the negotiations, and not as a confidential note to the Russian minister. Count Nesselrode stated the three proposals of Great Britain, which it was "utterly impossible" to accept, to be: Liberty to British subjects to hunt, to fish, and to trade with the natives *perpetually* on the coast between 54° 40′ and 59°; a similar privilege for ten years north of 59°; and the permanent opening of the port of Sitka.[d]

He proceeded to show that Russia could not grant to Great Britain privileges just refused to the United States; that British subjects had

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[a] Appendix, p. 204.
[b] Appendix, p. 206.
[c] Appendix, p. 200.
[d] Appendix, p. 201.

"never pushed either their establishments or commercial operations as far as the Northwest Coast," and that if the Hudson's Bay and the North-West Companies had approached the coast it was only within the preceding three years,[a] "whereas the American subjects"—to use his own language—"have constantly frequented these waters, and it is their enterprises that have given rise to the discussions which we are laboring to terminate."[b]

"We offer the same advantages," he continued, "to England, but to grant them forever would be to obtain the recognition of our rights of sovereignty only to abandon the exercise of them. It would be consenting to possess hereafter only in name what we now possess in fact."[c] Having declined to incorporate in the treaty to be signed the trade stipulations which Great Britain asked, Count Nesselrode called attention to the fact that, in accordance with her wishes, the counter draft opened "to British subjects the navigation of all the rivers crossing the strip [*lisière*]," and secured to them "advantages equal to those obtained by the subjects of the United States," while it virtually repealed the ukase of September 4, 1821.[d]

Before this dispatch had been forwarded, Mr. Canning, on September 12, expressed to Count Lieven his regret and surprise at the failure of the negotiations at St. Petersburg, and earnestly desired him to secure from his government full powers to conclude and sign a treaty at London, and he asked this in order that the question might be settled before Parliament met.[e] This note Count Lieven forwarded to St. Petersburg on October 1, 1824.[f] On September 13 Mr. Canning wrote to Mr. Ward, the chargé at St. Petersburg, directing him to urge Count Nesselrode to furnish Count Lieven with authority to negotiate and sign a convention, giving the same reason which he had given to the Russian minister.[g]

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[a] Count Nesselrode may here refer to the letter of Mr. Pelly, dated September 25, 1822, which gives the location of the posts of the Hudson's Bay Company west of the Rocky Mountains. (See Appendix, p. 109.) Or the reference may be to the date of "the latest English maps," which he had just mentioned in a sentence preceding the one quoted. (See Appendix, p. 201.)

[b] Appendix, p. 201.

[c] Appendix, p. 202.

[d] Appendix, p. 204.

[e] Appendix, p. 206.

[f] Appendix, p. 208.

[g] Appendix, p. 207.

Meanwhile Mr. Stratford Canning had retired from the mission at Washington and returned to London, and in November or December he was commissioned as plenipotentiary to proceed to St. Petersburg and conclude a treaty.[a] What motive induced Secretary Canning to change his mind so suddenly as to the place of negotiation, the correspondence does not disclose. Mr. Stratford Canning in his instructions, which were dated December 8, 1824,[a] received copies of the treaty draft furnished to Sir Charles Bagot,[b] the counter draft drawn up by the Russian plenipotentiaries,[c] and the dispatch of Count Nesselrode dated August 31, 1824.[d] He had already perused the correspondence which had passed upon the subject between the two governments.[a]

The Secretary for Foreign Affairs, in these instructions, emphasized in the strongest terms that the essential point to be secured by the British envoy was the formal abandonment by Russia of her maritime pretensions. For that reason he was unwilling to consent to the transposition of subjects proposed by the Russian counter draft. Such expressions as the following disclose his attitude in this matter: "The whole negotiation grows out of the ukase of 1821. * * * The settlement of the limits of the respective possessions * * * was proposed by us only as a mode of facilitating the adjustment of the difference arising from the ukase. * * * It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession, * * * but the pretensions of the Russian ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed.[e] * * * "It [the negotiation] is *not* on our part essentially a negotiation about limits. It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent.[f] * * * We negotiate about territory to cover the remonstrance upon principle. * * * If the territorial arrangements are not satisfactory, we are ready to postpone them, and to conclude and sign the essential part, that which relates to navigation alone. * * * But we are not prepared to defer any longer the settlement of that essential part of the question."[g]

[a] Appendix, p. 208.
[b] Appendix, p. 182.
[c] Appendix, p. 193.
[d] Appendix, p. 195.
[e] Appendix, pp. 208, 209.
[f] Appendix, p. 211.
[g] Appendix, p. 212.

Thus Secretary Canning clearly demonstrated that although Sir Charles Bagot had substantially confined his negotiations to the question of the demarcation of a boundary line, it was not the British Government, but the Hudson's Bay Company which had given to it such prominence. The territorial question had accomplished the purpose of its introduction by Great Britain, through having secured a revocation of the ukase, although the London Government had been forced to abandon one position after another, until the original and only proposal of Russia was adopted with the one exception of the limitation of the width of the *lisière* to 10 marine leagues.

Upon this point Mr. Canning said that Russia had first proposed the summit of the mountains as the eastern boundary, and that Great Britain had only suggested the limitation to 10 marine leagues as corrective of errors on the map. He entirely ignored the fact that Sir Charles Bagot had in his last two proposals substituted this definite width for the Russian possessions, omitting all reference to the mountains. There was soundness in his argument that "it is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary;" though this statement would have no force if the mountains were not a continuous chain, dividing land areas much lower in altitude than the crest of the range. He referred to the difficulties which had arisen between the United States and Great Britain in settling the northeastern boundary of the former, through the inaccuracy of a map in locating mountains, upon which map both nations had relied; and he expressed the fear that by taking the mountain range supposed to run along the coast, Great Britain might grant to Russia "immense tracts of inland territory" where she "only intended to give," and Russia "only intended to ask, a strip of seacoast."[a]

It is noteworthy that Mr. Canning recognized that the intention of Great Britain and the intention of Russia in regard to the extent of the *lisière* coincided. The intention of Russia was to secure a land area which would form a bulwark to her coasts and inland waters; and from Mr. Canning's statement it was such a territorial barrier that Great Britain intended to grant. It is probable that Mr. Canning perceived that the fixation of the boundary at an unvarying distance

[a]Appendix, p. 210.

of 10 marine leagues might grant to Russia the eastern slopes of the coast range, by which the latter would secure an advantageous position in case of war between the two countries and an absolute control of the passes. On the other hand, inserting the conditional limitation, Great Britain would control the passes and western face of the range wherever its distance from the shore exceeded 10 leagues, and in no case would Russia possess posts east of the summit.

In accordance with his views as to the desirability of using as a boundary natural landmarks where they exist, and since Mount St. Elias had been mentioned by both parties for the commencement of the line running due north to the Arctic Ocean, he proposed that that line should follow the 141st meridian of longitude instead of the 139th, because the former fell more directly upon that peak.[a]

Mr. Stratford Canning under these instructions proceeded to St. Petersburg and, on February 12, 1825, he held a conference with Count Nesselrode and M. de Poletica,[b] submitting to them a draft of treaty prepared at the Foreign Office before his departure,[c] which was taken under consideration by the Russian plenipotentiaries. This draft corresponded with the instructions given the British envoy in the arrangement of subjects, the limitation of the width of the *lisière*, and the concession of the Russian restrictions upon trade and navigation to ten years. The draft was considerably altered by the Russian negotiators, but rather in language than in its essential features,[d] for it embodied substantially every point for which Russia had contended, except as to the privilege of trade for ten years along her coast, a privilege which Great Britain would not have insisted upon but that it already had been granted to the United States.[e] With some changes of phraseology and division of articles a treaty was finally agreed upon and signed on February 16/28, 1825,[f] which was forwarded to London on the following day.[g]

The British plenipotentiary reported very briefly concerning the discussions,[g] but Count Nesselrode in informing Count Lieven that his "negotiations with Mr. Stratford Canning" had been "crowned with success"[h] stated that the only point of difference had been in

[a] Appendix, p. 211.
[b] Appendix, p. 212.
[c] Appendix, p. 215.
[d] Appendix, p. 220.
[e] Appendix, pp. 75, 180.
[f] Appendix, p. 14.
[g] Appendix, p. 223.
[h] Appendix, p. 225.

regard to the *lisière*, Russia desiring the mountain range as a boundary and Great Britain insisting upon the conditional limitation which she had proposed. He reiterated this statement when the ratification of the treaty was forwarded to London for exchange, desiring Count Lieven to call the attention of Secretary Canning to the magnanimous course of the Emperor in yielding this point.[a]

Mr. Canning, to whom the Russian minister read this latter dispatch,[b] excused the insistence of Great Britain by again referring to the dispute with the United States concerning their boundaries on the eastern side of the continent, and stated "that it arose solely from a sincere desire to prevent the recurrence of any disagreeable discussion in future, and not from any intention of acquiring an increase of territory or limiting the extension of the Russian possessions." This statement is of much importance, since the British Secretary was fully cognizant that Russia had obtained the *lisière* as a means of protecting the interests of the Russian American Company on the shores of the inland waters.

Although Mr. Stratford Canning does not appear, from the correspondence available, to have placed in writing any interpretation upon the treaty which he had signed, he gave a verbal explanation of it which, on March 1, 1825, Mr. Middleton reported in detail to the American Secretary of State.[c] On that day, which was the day following the signature of the treaty, the British envoy had an interview with the American minister. From the latter's report it is apparent that a copy of the convention was not shown him, but its contents were explained to him by Mr. Canning, and, therefore, in repeating Mr. Canning's language he gave the latter's understanding of its terms. Mr. Canning's version of the third article, which defined the boundary line agreed upon, Mr. Middleton reported as follows:

"The third article of this convention establishes the line of demarkation between the possessions of the two powers upon the Continent and Islands, as follows: It begins at the southernmost point of Prince of Wales' Island (about 54° 40′), leaving the whole of that island to Russia. It follows the strait called Portland Passage up to the fifty-sixth degree; then turns eastward upon that latitude until it touches the

[a] Appendix, p. 226. [b] Appendix, p. 230.

[c] Appendix, p. 224.

highest ridge of the chain of mountains lying contiguous to and nearly parallel with the coast; it follows that ridge up to the sixtieth degree, and then takes the direction of that degree of latitude until its intersection with the one hundred and forty-first degree of longitude west of Greenwich; thence it follows that meridian north to the Icy Sea. But in case the ridge of the mountain lying parallel with the coast shall be more than 10 marine leagues from the shores of the continent, then the distance of 10 marine leagues from the shore is to be considered as the boundary of the Russian possessions upon the continent."[a]

The interpretation placed upon this article by its negotiator shows clearly the course of the line intended by the terms of the treaty, as well as the extent of the *lisière* which it established. The notable features of Mr. Canning's statement are, that the line from the head of Portland Canal turns *eastward* to the range of mountains; that the word "shores," in describing the width of the *lisière*, supplants the word "coast" used in the treaty, although the latter is retained in referring to the mountain range; and the statement that the boundary line follows the mountain ridge up to the 60th parallel of north latitude and then takes the direction of that degree until it intersects the 141st parallel of west longitude.

This explanation of the article fixing the boundary, while it differs in language from the treaty, agrees with it if it is interpreted naturally and with knowledge of the discussions which had preceded its signature, and were explanatory of the protective character of Russia's possessions on the continent.

RESULTS OF THE NEGOTIATIONS.

The negotiations, the progress of which has been traced herein from the promulgation of the ukase of September 4 16, 1821, to their culmination in the treaties of April 5 17, 1824, and of February 16 28, 1825, disclose: (1) The motive which impelled the Imperial Government to issue the ukase; (2) the respective interests of the United States, Great Britain, and Russia on the Northwest Coast of America; (3) the objects sought by each of the three powers in the negotiations; and (4) to what extent each nation secured its objects.

(1) The ukase of September 4, 1821, was promulgated just prior to the rechartering of the Russian American Company, for the purpose

[a] Appendix, p. 224.

of preventing the infringement of the monopoly of the company by prohibiting the visitation of vessels, other than those of the company, to the coast and islands granted to it as far south on the American side of the Pacific Ocean as 51° north latitude, and by forbidding such vessels from approaching within 100 Italian miles of the continent or islands. The immediate cause was the presence of trading vessels of the United States, which had for many years resorted to these regions in large numbers to trade in furs.

(2) The interests of Russia upon the Northwest Coast were those of the Russian American Company, which possessed under its charter the rights of exclusive trade, colonization, and governmental administration in the regions covered by the grant. The interests of the Russian American Company were confined to the extension and prosecution of the fur trade.

The interests of the United States and Great Britain were of two sorts, the first related to navigation in the Pacific Ocean, Bering Sea, and the Arctic Ocean; the second, to the fur trade. The American industry was carried on by independent traders who in vessels visited the coast and islands claimed by Russia. The British fur trade in these regions was prospective of the extension westward of the operations of the Hudson's Bay Company, which had been granted a monopoly of the trade in all the American territory of Great Britain not included within the crown provinces. This company at the time of the negotiations had three trading stations upon the western slopes of the Rocky Mountains between 54° and 56° north latitude, and it was to its interest to secure egress to the Pacific Ocean which would afford an opportunity to establish posts on its shores in the future.

(3) The United States and Great Britain, the two leading maritime powers of the period, were equally interested in preserving the free navigation of the high seas, and it was, therefore, important for their commercial interests that the extensive maritime jurisdiction assumed by the Russian ukase should be renounced.

The United States sought to maintain for its citizens the freedom of trade with the natives which they had enjoyed for thirty years prior to the issuance of the ukase; and as their operations were carried on by means of vessels, to secure their free access to the inland waters of the Northwest Coast and its islands. It was also for the interest of the United States in case freedom of trade and navigation of the inland

waters was restricted, to fix the southern boundary of Russia at as high a parallel of latitude as was possible.

Great Britain, acting solely on behalf of the Hudson's Bay Company, had no object in obtaining liberty to enter the territorial waters and trade with the natives of the Russian possessions, since her subjects did not approach those regions from the seaward side. But, as the accepted rule of international law at that period granted to the nation possessing by occupation a continental coast the drainage basins of all rivers entering the ocean through its possessions, it was, therefore, of first importance to Great Britain to confine the Russian territory as far to the north as possible on the coast, and thus secure a large area for the future operations of the Hudson's Bay Company and an uninterrupted outlet for its furs to the Pacific. It was, moreover, an object of Great Britain to limit the territory which would accrue to Russia from extensive littoral possessions by establishing its eastern boundary to the westward of the Rocky Mountains, thereby giving an opportunity for the Hudson's Bay Company to operate northward from its western posts, and preventing the approach of Russia to the company's stations on the Mackenzie River. "We must not on any account admit the Russian territory to extend at any point to the Rocky Mountains" is the central idea of the instructions sent to Sir Charles Bagot. Grant to her "50 or 100 miles from the coast," but do not permit her boundary to be drawn nearer to those mountains.

The object of Russia in the negotiations was the same as that which she had sought by the ukase of September 4, 1821, the efficient protection of the Russian American Company in its monopoly of the fur trade. The chief menace to the interests of the company was in the establishment on the islands or the neighboring mainland of foreign settlements, to which the natives who carried on trade with the Russian American Company might take their furs, or from which rival hunters and trappers could be sent out to capture the fur-bearing animals. The first purpose, therefore, was to prevent such settlements, whether established by Americans coming from the sea or by the Hudson's Bay Company approaching from the land. To avoid this danger it was necessary to obtain a boundary south of the archipelago and coast where the Russian American Company carried on its operations, to the north of which no foreign settlements should be established, either on the islands or mainland; and also to fix upon a

boundary at a sufficient distance from the continental shores inhabited by the natives, or to which they were accustomed to resort in hunting, to prevent the Hudson's Bay Company from reaching the coast and erecting rival posts there.

While the principal dangers to be guarded against were settlements as bases of trade operations, the presence of foreign trading vessels caused an undesirable competition, and the traffic in firearms and liquor demoralized the natives. To suppress, or at least restrict, trade of this character was another of the objects sought by Russia.

(4) In the negotiations and resulting treaties the United States and Great Britain obtained the abandonment of the maritime pretensions of Russia and an acknowledgment of the freedom of the high seas for the navigation of vessels of all nations.

The United States, by agreeing to a line of demarcation at 54° 40′ north latitude as the southern limit of the Russian possessions, secured the continuance of the fur trade of its citizens north of that line for a term of ten years; and Russia obtained a further stipulation that citizens of the United States should not establish settlements within the Russian territory or trade in firearms or liquor with the natives. By the acceptance of the limitation of trading privileges to a fixed term of ten years the American Government also acknowledged the sovereignty of Russia over the coast and islands north of the line of demarcation.

The object of the British Government, to prevent the extension of Russia's dominion as far eastward as the Rocky Mountains, was attained; but as to the limitation of the latter's territory to the section of coast desired and suggested by the Hudson's Bay Company, that government entirely failed. Each of the four lines proposed by Sir Charles Bagot (see Map No. 3 in the Atlas accompanying this Case) and the fifth one proposed by Secretary Canning in his treaty draft of July 12, 1824, is a nearer approach to the Russian proposal than the one immediately preceding it, until at last Great Britain assented to the boundary demanded by the Imperial Government.

From the first to the last conference of the plenipotentiaries at St. Petersburg the Russian representatives insisted upon a line beginning at the two southern points of Prince of Wales Island, and running up Portland Canal to the mountain chain appearing upon the maps, and thence "along those mountains, parallel to the sinuosities of the

coast, as far as the one hundred and thirty-ninth degree of longitude." From this position Russia never receded, so far as the *lisière* was concerned.

The location of this line proposed by Russia was never in doubt or misunderstood by Great Britain, for Sir Charles Bagot described it as "drawn from the southern extremity of Prince of Wales Island *to*[a] the mouth of Portland Channel, thence up the middle of this channel until it touches the mainland, *thence*[a] to the mountains bordering the coast." Mr. Stratford Canning informed Mr. Middleton that the line on reaching the head of Portland Canal turned *eastward* until it touched "the highest ridge of the chain of the mountains lying contiguous to and nearly parallel with the coast." In a dispatch to Count Lieven, dated April 17, 1824, Count Nesselrode said: "In order not to cut Prince of Wales Island * * * we propose to carry the southern frontier of our domains to latitude 54° 40′ and to make it *abut upon the continent*[a] at the Portland Canal, of which the opening into the ocean is at the same latitude as Prince of Wales Island." This dispatch was read by Mr. Canning, and he authorized Sir Charles Bagot to agree to this portion of the boundary without qualification. Russia had completed a treaty with the United States by which her southern boundary ran east and west along the parallel of 54° 40′. This was the line of demarcation she insisted upon Great Britain accepting, and this was the line that power did accept.

The British negotiator by his first proposed line conceded to Russia the western side of Lynn Canal. There is no suggestion or reason for believing that such concession was ever withdrawn; on the contrary, the whole course of the negotiation on the part of Great Britain precludes the supposition. Great Britain never desired, never sought, and never asked possession of that region. It was always, in the understanding of both governments, Russian territory, and its protection from foreign traders must have been in the minds of the Russian negotiators when they proposed a line of demarcation to the eastward of that inlet.

A territorial zone about the waters indenting the coast, which would debar the Hudson's Bay Company from establishing competing posts along the shores, was believed by the imperial representatives to be created by a boundary drawn along the summit of the chain of mountains shown on the Vancouver charts and the official Russian map of

[a] Not italicized in the original.

1802. (See Maps Nos. 4, 5, and 6 in the Atlas accompanying this Case.) An examination of these maps further shows that the head of Portland Canal and the mountain range are approximately 10 marine leagues distant from the shore line of the continent. Therefore, when Russia proposed to abandon the mountain boundary and fix a line drawn 10 marine leagues from the shore, and when she accepted that distance as the extreme width of the *lisière*, she believed that she was obtaining substantially the same protection as she would under her original proposition.

Throughout the negotiations a territorial barrier along the water front on the continent was constantly made prominent by the Imperial Government. In fact, the first series of conferences between Sir Charles Bagot and the Russian plenipotentiaries was broken off because the latter demanded the mainland opposite Prince of Wales Island and the former refused to concede it, because to do so would deprive Great Britain of "sovereignty over all the bays and inlets" of that portion of the coast. The British Government knew the purpose of Russia in demanding a *lisière*. It did not protest against it, but, with full knowledge, and presumptively with the full intention of acceding to Russia's demand, it accepted the line of demarcation which Russia had laid down.

Russia secured by the treaty of 1825 complete sovereignty over the islands north of 54° 40′ and over a strip of coast extending in a northwesterly direction from that parallel, bounded on the east by a line which followed up Portland Canal to its head, and thence ran parallel with the indentations of the coast and distant from their shores about 10 marine leagues, as far as Mount St. Elias. Upon these islands and this continental territory British subjects were prohibited from establishing settlements.

Great Britain secured from Russia the perpetual privilege to her subjects of navigating to and from the sea the rivers and streams crossing the eastern boundary of the *lisière*. This privilege is confined to rivers (*fleuves*) and streams (*rivières*), because, according to the mutual understanding of the high contracting parties, no other waterways crossed the line of demarcation. British vessels were further granted the privilege for the term of ten years of frequenting "all the inland seas, the gulfs, havens, and creeks on the coast" of the Russian possessions for purposes of fishing and trading, traffic in firearms and liquor being excepted. This latter provision was not

an object of Great Britain in the negotiations; in fact, she had not desired it until a similar privilege was obtained by the United States under the treaty of 1824.

Thus, while Great Britain had prevented the extension of Russian dominion to the Rocky Mountains, Russia by the treaty obtained the protective barrier which she sought, the exclusion of foreign trading posts from her territory and the formal recognition of her rights of possession and sovereignty over her American domain.

NEGOTIATIONS BETWEEN THE UNITED STATES AND RUSSIA RELATING TO A RENEWAL OF TRADING PRIVILEGES.

Article IV of the treaty of 1824 between the United States and Russia granted for the term of ten years from the date of signature the privilege to the citizens and subjects of the two nations to "reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks" upon the Northwest Coast of America, "for the purpose of fishing and trading with the natives of the country."[a] Article VII of the treaty of 1825 between Great Britain and Russia contained a similar stipulation,[b] which, as Mr. Canning suggested,[c] followed the text of the American treaty.

On April 5/17, 1834, the term for the exercise of the reciprocal privileges granted by the treaty of 1824 expired. Three weeks after, Baron Wrangell, the governor of Russian America, finding that American sea captains at the port of Sitka intended to proceed on their trading voyages through the inland waters of the colony in spite of his verbal notice to them that the term had expired, delivered to them a written circular in which he notified them that the privilege "within the limits of the Russian possessions on the Northwest Coast of America, namely: north of latitude 54° 40′, had ceased for vessels of citizens of the United States."[d]

It does not appear that the governor took more active steps to exclude foreign traders from the "Straits" until March, 1835, although the correspondence indicates that he reported his action to the officers of the company at St. Petersburg before December, 1834.[e] On February 16/28, 1835, the privilege granted by the British

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[a] Appendix, p. 11.
[b] Appendix, p. 16.
[c] Appendix, p. 211.
[d] Appendix p. 232.
[e] Appendix, p. 245.

treaty terminated. Less than a month after this event Governor Wrangell sent the brig *Chichagoff*, under command of Lieutenant Zarembo, to Tongas, near the southern boundary line at 54° 40′, for the purpose of intercepting foreign vessels entering the inland waters of the colony, to the masters of which he was to deliver written notice of the expiration of the treaty provisions,[a] being furnished with six copies for American and three for British vessels. In the meanwhile Baron Krudener, the Russian minister at Washington, had been directed to communicate with the United States Government upon the subject; and on May 19/31, 1835, he addressed a note to the acting Secretary of State setting forth the course which had been taken by Governor Wrangell, and asking the United States to give public notice of the changed conditions resulting from the termination of the privilege.[b]

To this note Mr. Forsyth, the Secretary of State, demurred, expressing the hope that the trade relations existant under the treaty might be continued;[c] but upon the Russian minister renewing his request, Mr. Forsyth informed him that "an informal notice" would be given "through the public journals of Baron Wrangell's warning to the captains of American vessels on the northwest coast" of the continent.[d] Accordingly such a notice was published in the Globe newspaper on July 22, 1835, in which it was stated that the treaty stipulation had expired and formal notice had been given to American captains by the Russian governor that they could no longer claim trade privileges under the treaty.[e]

A few days later the Secretary of State transmitted to Mr. Wilkins, the American minister at St. Petersburg, the correspondence which had taken place, and directed him to open negotiations for a renewal of the privilege.[f] On November 4, 1835, Mr. Wilkins had an interview with Count Nesselrode upon the subject,[g] at which he handed to him a memorandum proposing a renewal of the stipulations of Article IV of the treaty,[h] to which the Russian minister replied that he desired to consult the directors of the Russian American Company before expressing an opinion, since they "were particularly interested in the decision of the question."[i] The following day Mr. Wilkins

[a] Appendix, p. 233.
[b] Appendix, p. 236.
[c] Appendix, p. 237.
[d] Appendix, p. 238.
[e] Appendix, p. 240.
[f] Appendix, p. 239.
[g] Appendix, p. 241.
[h] Appendix, p. 242.
[i] Appendix, p. 243.

addressed another memorandum to the Minister of Foreign Affairs setting forth in detail what he conceived would be the advantages secured by renewing the privilege.[a]

On November 11, the subject was laid before the Minister of Finance by Count Nesselrode, who called his attention to the fact "that a similar convention was concluded in 1825 with the Government of Great Britain concerning the navigation in our dominions in North America," and, although it had "not yet taken any steps looking toward the renewal of this Treaty," it was to be expected that it would make a similar proposition in case Russia consented to renew the article with the United States.[b]

Mr. Wilkins, on December 7, had another interview with Count Nesselrode,[c] at which he submitted a draft of treaty renewing the privilege indefinitely, with the proviso that either party might denounce it upon twelve months' notice.[d] The American minister was informed that Great Britain had not applied for a revival of the mutual privilege, but, if it was granted to her, it would be immediately given to the United States. Three days later Count Nesselrode addressed a note to Mr. Wilkins stating that the question could not be determined until the Imperial Government had received information from the Northwest Coast as to the interests and wants of the Russian establishments, and that such information could not be expected before the following spring.

The subject was not again renewed by the United States until April, 1837,[e] and in the meanwhile Great Britain had made no application for the renewal of the privilege. The silence of the latter Government is explained by the fact that in June, 1834, prior to the expiration of the stipulation in the British treaty, a Russian officer had forcibly prevented a vessel, the *Dryad*, belonging to the Hudson's Bay Company, from entering the Stikine River, for the stated purpose of ascending it to the territory of Great Britain behind the *lisière*. (See *post*, p. 77). The matter became a subject of diplomatic correspondence, which extended over several years, until finally settled by the lease of the *lisière* by the Russian's American Company to the Hudson's Bay Company.

In April, 1837, the United States renewed its efforts to obtain an

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[a] Appendix, p. 242.
[b] Appendix pp. 245, 246.
[c] Appendix, p. 246.
[d] Appendix, p. 247.
[e] Appendix, p. 248.

extension of the treaty provision,[a] and also sought to recover damages for the expulsion by a Russian armed brig of an American vessel, the *Loriot*, in August, 1836, which had entered Russian waters from the south. The correspondence upon the subject was concluded in 1838 by Russia's refusal to continue the trading privilege or to recognize the claim of the *Loriot*.[b]

To that decision the United States submitted, and on September 26, 1845, gave official notice warning American vessels against the violation of treaty stipulations "by resorting to any point upon the Russian American coast where there is a Russian establishment, without the permission of the governor or commander, nor to frequent the interior seas, gulfs, harbors, and creeks upon that coast at any point north of the latitude of 54° 40′."[c] Thus, whatever question had been previously raised by the United States it finally recognized the complete sovereignty of Russia over the Northwest Coast of America north of latitude 54° 40′.

RUSSIAN OCCUPATION.

After the treaty of 1825 went into effect, one of the first acts on the part of the Russian Government in the assertion and enforcement of its title to the territory guaranteed to it by that treaty, was the preparation and publication by that government of a map, in 1826, upon which the boundary line was distinctly laid down as extending from the head of Portland Canal, at a distance of 10 marine leagues around all the inlets of the sea, to the 141st degree of longitude, and thence along that parallel to the Arctic Ocean. (See Map No. 11 in the Atlas accompanying this Case.) The next year another map was published by the Russian Government with exactly the same boundary line laid down. (A description of this second map will be found in the Appendix, page 513, No. 18.) Up to the time of the cession of the Russian possessions in America to the United States all Russian maps, official or otherwise, marked the boundary uniformly in the manner described.

The exercise of sovereignty and occupation by Russia in the territory known as the *lisière*, aside from the exclusion of foreign vessels and citizens from trading with the natives, already noticed, may be

[a] Appendix, p. 248. [b] Appendix, p. 249.

[c] Appendix, p. 250.

classified as follows: (1) Control over the Indian tribes; (2) the conduct of trade; (3) the establishment of posts and forts; (4) the maintenance of its territorial rights against foreign encroachments; and (5) the survey of the straits, inlets, and rivers.

RUSSIAN CONTROL OF THE INDIANS.

The control of the Indian tribes on the continental shores began many years before the treaty with Great Britain of 1825. In the accounts of the voyages of the Russian explorers who were laying the foundation of the imperial possession in America during the latter part of the eighteenth century, frequent reference is made to the measures taken to secure the allegiance of the native chiefs and to the plans inaugurated to convert them to Christianity. One of the most noted of those events was the submission to Russian authority of the chief of the Chilkat tribes. In the year 1788, Ismailof, a lieutenant of Shelikof, one of the founders of the Russian American Company, anchored in the Yakutat Bay and spent some time in that vicinity. He met there the Chilkat chief, who had come from his home on the Chilkat River, near the head of Lynn Canal, to visit portions of his tribe inhabiting the region about that bay. He established friendly relations with the chief, explained to him the purposes and power of the Russian Government, presented him with a coat of arms, an insignia of the Russian double-headed eagle, and portraits of the imperial family. The chief in return pledged his devotion to the Russian Crown by presenting the Russian officer with a sacred iron crow's head and other evidences of his allegiance.[a]

In 1795 Baranof, governor of the Russian American Company, visited the same bay, renewed the amicable relations with the Indians, and with great éclat planted the Russian flag on the shore. Thence he passed on to Chilkat Inlet, where he repeated his experience, and erected crosses with the inscription, "This land is Russian territory."[b]

During the Russian occupation of the islands and adjoining *lisière* active efforts were put forth to lead the natives to accept Christianity, and various schools were established among them. Two priests claimed that up to 1860 they had baptized 447 of the Stikines and others of that vicinity. When the territory was transferred to the United States in 1867, the Russian department of the interior reported

[a] Appendix, pp. 252, 255, 256.

[b] Appendix, p. 257.

that nearly all the tribes of the Thlinkits inhabiting the mainland were Christians, but this statement must be taken with some reservation. [a]

The authorities, in addition to the encouragement of the clergy, exerted their influence to correct the brutal and barbarous practices of the Indians, one of which was to offer up as sacrifices at funerals the lives of their slaves. The chief of the Stikines was induced to abandon the bloody rite in 1837, and in recognition of his noble act the Emperor presented him with a gold embroidered caftan and he was given a certificate of honor by the governor.[b]

The officials of the colony labored earnestly to exclude intoxicating liquors, and the illicit traffic of the American and British traders among the natives gave them much trouble.

The Chilkat and Stikine tribes were in constant enmity, and the authorities were kept on the alert to prevent war or restore peace among them.[c] Such of the chiefs as manifested special loyalty to the Imperial Government were decorated with a silver badge and were entitled "Allies of Russia."[d] In order to bring about a closer union between the Thlinkit tribes and the government a supreme chief of all these tribes was appointed in 1842, and the colonial council in 1862 exercised its authority in appointing a chief over the Stikines.[e] In order to protect their exposed establishments on the *lisière*, the authorities sometimes resorted to the expedient of taking the chiefs or their sons as hostages.[f] So great was the influence established by the Russians over the natives that even after the Hudson's Bay Company had taken possession of the *lisière*, when the post at the mouth of the Stikine was besieged by the Indians in 1846, the mere appearance of a vessel of the Russian American Company is said to have saved the post from destruction. A similar danger was averted in 1862 by a Russian naval officer securing the promise of the chief to restore order.[g]

Tikhmenief, the historian of the Russian American Company, published in 1861 a census of the native tribes, called by the Russians the Koloshes and known by later ethnologists as the Thlinkits, who inhabited the mainland up to Prince William Sound and the adjoining

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[a] Appendix, pp. 259, 318.
[b] Appendix, pp. 259, 308.
[c] Appendix, pp. 274, 303.
[d] Appendix, p. 309.
[e] Appendix, pp. 258, 316.
[f] Appendix, pp. 266, 274.
[g] Appendix, p. 317.

islands. In this enumeration of Indians are found the Chilkat, Taku, and Stikine tribes.[a]

It is thus seen that the Russian Government exercised authority over the native inhabitants of the *lisière* from the date of the treaty of 1825 up to the cession of its American possessions to the United States.

THE CONDUCT OF THE FUR TRADE.

During the same period the Russian American Company carried on an active barter with these Indians, and, after the expiration of the ten years' privilege granted to the Americans under the treaty of 1824, the trade with the natives was strictly confined to that company. So jealous were the authorities of their exclusive sovereignty that they construed the attempt of the captain of one of the American vessels, even before the ten years' privilege had expired, to introduce a missionary among the Indians as a violation of the treaty.[b]

For some years after the treaties the company maintained no permanent establishments within the *lisière*, making the central post at Sitka, or New Archangel, the base of operations, and thence sending out annual expeditions to the head of Lynn Canal, Taku Inlet, the mouth of the Stikine River, and other appointed places of rendezvous, where the barter for furs was conducted. But events occurred which compelled a change of methods.

By 1829 the Hudson's Bay Company had reached the coast of the Pacific Ocean and established a post on Vancouver Island. From that post it dispatched an agent, Lieutenant Simpson, to Sitka early in 1829, with a letter addressed to the manager of the Russian American Company, giving him notice of the intention to establish another post on the northern limit of the British coast, and proposing that a friendly understanding be reached as to the future conduct of trade. Among the matters suggested were a joint agreement to put a stop to the sale of firearms and liquor which was injurious to the natives and embarrassing to trade, and an offer to exchange with the Russian company European goods and supplies at fair prices for furs.[c] The Hudson's Bay Company's agent was hospitably received, and sent back with a civil answer. This led to correspondence between the head offices at

[a] Appendix, p. 316.

[b] Appendix, p. 235.

[c] Appendix, p. 259.

London and St. Petersburg and a reference of the subject to the Russian Government, but no definite action was had respecting the proposition.[a]

Meanwhile the new post of the Hudson's Bay Company had been established at Naas, on Observatory Inlet, just in front of the boundary at Portland Canal, and the Russian company began to feel the damaging effects of this close competition among the Indians of their southern frontier. But this was not the worst of the evils which threatened the Russian company. In 1832 news was received of the intention of the Hudson's Bay Company to establish a settlement up the Stikine River "at such a distance from the sea as not to infringe upon" the treaty of 1825, the British having "a right to settle at a distance of 30 Italian miles from the sea on the river." This was followed the next year by the information that an English expedition had actually ascended the Stikine and selected a spot for the new settlement.[b]

These movements greatly alarmed the Russian company for the safety of its trade, and it at once adopted energetic measures which essentially changed the methods of its traffic. The vessel which had been engaged in the trade within the *lisière* was "put on a war footing," and dispatched to the mouth of the Stikine, with orders to there erect a redoubt and fortify it. A new vessel was built with all speed to look after the trade in the Chilkat region, named the *Chilkat*. In addition to the redoubt at the mouth of the Stikine, called St. Dionysius, the board of directors reported to the government at St. Petersburg that the safety of that redoubt "as well as the continuous maintenance of trade with the natives, demand that a chain of stations be established from the southernmost redoubt of our possessions, St. Dionysius at Stikine, to the north to the Chilkat Strait, named Lynn Canal by Vancouver."[c]

From this time forward until the lease of the *lisière* to the Hudson's Bay Company, the Russian American Company carried on its fur trade with the Indians mainly through its permanent establishment at the mouth of the Stikine River and through the other settlements up to the Chilkat Inlet in Lynn Canal.

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[a] Appendix, pp. 260–264, 313. [b] Appendix, pp. 264–266, 272–273.
[c] Appendix, pp. 235, 266, 274–275, 280, 320.

THE AFFAIR OF THE DRYAD.

In 1834, the year after the founding of the St. Dionysius redoubt, a vessel of the Hudson's Bay Company, named the *Dryad*, appeared in sight of the redoubt, and was boarded by a Russian officer who delivered to the captain a written notice from Baron Wrangell, governor of the Russian colony, to the effect that it was no longer permitted to foreign vessels to trade with the natives.[a] The *Dryad* had on board a colony of settlers and a full outfit for the establishment of a trading post.

Dr. Dawson, the Canadian authority, states that the vessel was fitted out by the Hudson's Bay Company "for the purpose of establishing a post and colony at the mouth of the Stikine." This statement is confirmed by Professor Dall, the American author.[b] Such a report reaching the Russian authorities may more fully explain the activity of their military preparations at the mouth of the Stikine. But Mr. Ogden, the chief of the Naas station, in charge of the British expedition, stated that it was his intention to form an establishment "ten marine leagues inland,"[c] and this statement was accepted by the Russian authorities.

The *Dryad* was not permitted, however, to ascend the river and proceed to her destination, upon the ground that it would be a violation of the stipulation of Article II of the treaty of 1825, which forbade British subjects to "land at any place where there may be a Russian establishment." The vessel returned to Naas, and the British Government presented to the Russian Government a demand on behalf of the Hudson's Bay Company for an indemnity of £22,150 on account of losses sustained by the company because of the action of the Russian authorities. This claim for damages was the subject of a lengthy correspondence between the British diplomatic representatives at St. Petersburg and Count Nesselrode, extending through four years, and it was finally adjusted through an arrangement between the two rival companies, by which the Russian American Company, with the express authorization of the Imperial Government, leased the *lisière* to the Hudson's Bay Company for a term of years.[d]

This arrangement had two objects in view. As stated by Count

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[a] Appendix, p. 267.
[b] Appendix, pp. 320, 321.
[c] Appendix, p. 269.
[d] Appendix, pp. 271–312.

Nesselrode, the first was "the advantage of doing away with all rivalry in the fur trade and of putting an end to the frequent occasion of friction with the English and with the citizens of the United States of America which have already led to unpleasant correspondence with these Governments." Second: "It would enable us to avoid all further explanations with the Government of the United States as to its ceaseless demands, disadvantageous to our interests, for the renewal of Article IV of the treaty of 1824, which granted to American ships the right of free navigation for ten years in all the straits and seas adjacent to our dominions on the northwest coast of America." [a]

The affair of the *Dryad* illustrates in a forcible manner why the Russian company and its government were so firm in their position during the negotiation of the treaty of 1825 that a strip of territory should be preserved on the shores of the continent of sufficient width to act as a barrier to keep the Hudson's Bay Company from interfering with their trade in furs with natives inhabiting those shores. The governor of the colony, Baron Wrangell, represented to his government in the strongest terms the evil effects of the establishment of a British post on the Stikine River immediately adjoining the boundary line. It would enable the British trappers and hunters, with their superior weapons and methods of securing game, to deprive the Indians of their only means of livelihood. "It is for this reason," he writes, "that the Stikines ask us most earnestly not to allow the British to enter the river; they foresee the fatal consequences to their people if the British succeed in cutting off their only source of trade. In fact, the consequences will be terrible and unavoidable; the numerous, enterprising and formerly wealthy tribe of the inhabitants of the coast (Kolosh) will become a tribe of brigands in the full sense of the word if they are brought down to abject poverty; * * * they can, if they act together, work fearful ruin by attacking the fort and vessels. * * * I ask again, does not humanity, justice, and the very duty of Russia with regard to the aborigines of her possessions in America, call us to the aid of the people?" [b] The Imperial Government, while it was forced to admit to the British ambassador that the expedition up the river was authorized under the treaty, did not fail to recognize the cogency of the Russian company's appeal, and brought about the only method of relief, the lease of the strip, which put an end to rivalry in the trade.

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[a] Appendix, p. 312.

[b] Appendix, pp. 277, 278.

The *Dryad* affair also brings out in unmistakable terms the understanding of all the parties in interest as to the extent and effect of the *lisière*. Lieutenant Simpson, who visited Sitka in 1829, and the Stikine in 1831, announced the intention of the Hudson's Bay Company "of establishing a settlement * * * up the river falling into this bay [mouth of the Sound] at such a distance from the sea as not to infringe upon the last convention concluded between Russia and Great Britain with regard to our frontiers."[a] Mr. Ogden, the manager of the Hudson's Bay Company at Naas, on his arrival at the mouth of the Stikine in the *Dryad*, stated to Baron Wrangell that his instructions were to "form an establishment 10 marine leagues inland, in accordance with clause 2nd, art. 4, of Convention entered into between Great Britain and Russia."[b] Three months later, when he visited Sitka to confer with Wrangell about the *Dryad* affair, he claimed the right under the treaty to carry out the intention of his company to establish "a settlement up the River Stikine at a distance of 10 leagues from the sea."[c]

It will be remembered that Mr. Ogden had during the year 1833 passed up the Stikine to the spot designated for the post, and was familiar with the topography of the country.[d] Mr. McLoughlin, the company's manager at Vancouver, in giving an account of the affair to the governors of the Hudson's Bay Company in London, transmitted Mr. Ogden's report, which contained the statement above quoted, and also referred to the locality.[e] The deputy governor, Mr. Pelly, in asking the British Government to make the demand for indemnity, stated that the purpose was "to form a trading establishment within the British Territories at a distance from the Ocean exceeding ten marine leagues up the Stikine river."[f]

Lord Durham, the British ambassador, in presenting the demand for indemnity to the Russian Government, based it upon the fact "that the Russian authorities on the N. W. Coast of America have interfered with an expedition fitted out * * * for the purpose of forming a settlement ten leagues up the Stikine River."[g] The London Times in its account referred to the purpose of the company of "erecting an establishment at the distance from the line of coast prescribed by the treaty."[h]

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[a] Appendix, p. 264.
[b] Appendix, p. 269.
[c] Appendix, p. 276.
[d] Appendix, pp. 272, 283, 313.
[e] Appendix, p. 272.
[f] Appendix, p. 278.
[g] Appendix, p. 285.
[h] Appendix, p. 280.

Baron Wrangell, in submitting his account of the *Dryad* affair to the board of directors in St. Petersburg, stated "that the Hudson Bay Co. had likewise the intention of settling there, as by the terms of the Convention the British have the right to settle on the Stikine River at a distance of 30 Italian miles from the sea." And in another part of the same account he speaks of "the localities desired by them [the British] 10 leagues up all the rivers and rivulets falling into our straits."[a]

The board of directors at St. Petersburg, in laying the matter before their government, in discussing the terms of the treaty, alluded to the ruinous consequences which would result to the colony "if the English be allowed to establish their factories on all the water courses upon the boundary line, that is, within ten miles[b] from the coast."[c] Count Nesselrode, at the end of the long correspondence, advised the department having under its supervision the affairs of the Russian American Company "that our colonial authorities—contrary to the treaty—issued the order prohibiting Mr. Ogden from sailing up the Stakine river to the English dominions, where he wished to establish a trading post, this being entirely within his rights."[d]

It is thus seen that the British and Russian authorities concurred in the view that the boundary line between the Russian and British possesions on the *lisière*, according to the treaty, crossed the Stikine River at a point 10 marine leagues, or 30 miles, from its mouth. It is also to be noted that the Russian authorities understood this distance to be measured from the mouths of "the rivers or rivulets falling into out straits."

RUSSIAN SURVEYS ALONG THE LISIÈRE.

A further fact in connection with the Russian occupation of the *lisière* is to be noticed in the frequent surveys which were made of its inland waters. In 1834 the Taku River was discovered, and in 1838 it and the bay of the same name were surveyed and soundings made.[e] The Stikine River was surveyed in 1837 from its mouth to the interior boundary line and the map thereof forwarded to the hydrographic office in St. Petersburg. (See list of maps and charts, No. 28, Appendix,

[a] Appendix, pp. 274, 278.

[b] The word "miles" is plainly an error, and should read *leagues*.

[c] Appendix, p. 290.

[d] Appendix, p. 307.

[e] Appendix, pp. 273, 303.

p. 514.) On this map the boundary is marked on the river, as also the proposed British post[a] some distance farther in the interior. Lynn Canal, in the vicinity of the mouth of the Chilkat River, was surveyed in 1838 and a map of it forwarded to St. Petersburg. (See list of maps and charts, No. 45, Appendix, p. 516.) The Stikine River was again surveyed in 1863 beyond the boundary line.[b] This second survey was occasioned by the discovery of gold toward the headwaters of this river, and the expedition was for the purpose of ascertaining whether the gold deposits were within Russian territory.

The character and results of the Russian occupation and control of the *lisière* and the estimate in which this occupation was held by the inhabitants of the adjacent British territory may be seen from the editorial in the Colonist newspaper, published in 1863 at Victoria, British Columbia. It spoke of the probability of negotiations between England and Russia for the acquisition of the seacoast north and south of the Stikine River, as "certainly it is not desirable that the business of such a highway [the Stikine] should reach the interior through a Russian door of 30 miles. * * * The strip of land which stretches along from Portland Canal to Mount St. Elias, with a breadth of 30 miles, and which according to the Treaty of 1825 forms a part of Russian America, *must eventually become the property of Great Britain*, either as the direct result of the development of gold, or for reasons which are now yet in the beginning, but whose results are certain. It is clearly undesirable that the strip 300 miles long and 30 miles wide, which is only used by the Russians for the collection of furs and walrus teeth, shall forever control the entrance to our very extensive northern territory. * * * The mouth of the Stakine must be ours, or at least an outer harbour must be established on British soil from which our steamers can pass the Russian girdle."[c]

From the foregoing review of the Russian occupation between 1825 and 1867, it is apparent that there was no disputed ownership of the interior arms of the sea within the *lisière*, or that Great Britain ever was in possession or set up any claim to the heads of any of the inlets of the mainland north of 54° 40′. Over the two most important inlets and only navigable river of the *lisière*—Lynn Canal, Taku Inlet, and the Stikine River—the Russian Government exercised various, repeated, and unquestionable acts of sovereignty, such as the sur-

[a] Appendix, p. 307. [b] Appendix, pp. 318, 321.

[c] Appendix, pp. 322, 323.

veys of the waters and shores and the establishment of boundary marks, the erection of forts and military posts, and the maintenance of exclusive trade with and supervision of the Indians. Thus for forty-two years after the treaty of 1825 Russian possession of that region remained unchallenged.

CESSION OF THE TERRITORY TO THE UNITED STATES.

The treaty for the cession of the Russian possessions in North America by His Majesty the Emperor of Russia to the United States was signed in Washington March 30, and ratified May 28, 1867. The immediate causes and the steps taken for the negotiation of this treaty, so far as made public, are set forth in the Appendix[a] and need not be enumerated here.

The preamble to the treaty states that the high contracting parties were "desirous of strengthening, if possible, the good understanding which exists between them." By Article I "the Emperor of all the Russias agrees to cede to the United States * * * all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands" within the limits set forth, the eastern limit being "the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain in February 28/16, 1825, and described in Articles III and IV of said convention," which are textually inserted.[b] The consideration for the purchase was fixed at $7,200,000.

The ratifications of the treaty were exchanged June 20, 1867, and it was proclaimed on the same day. But before that date, on May 13, the American commissioner to receive the transfer of the territorial possessions, which were henceforth given the name of Alaska, was appointed, and on May 20 an order was published providing for a detail of troops from the United States army to occupy the new possessions.[c] Some delay occurred in the arrival from Europe of the Russian commissioner. The commissioners were carried to Sitka in a United States government vessel, and the formal transfer of the territory was effected at that place on October 18, 1867, a body of United States troops and the military commander of the territory having arrived just previous to that date. The ceremony was witnessed by the officials and troops of

[a] Appendix, pp. 324–331. [b] Appendix, pp. 18, 20.

[c] Appendix, p. 328.

both governments, the imperial flag of Russia was lowered and that of the United States run up in its place, while the artillery of both nations united in the salute.[a]

Concurrently with these movements a vessel of the United States revenue marine, the *Lincoln*, was dispatched by the Secretary of the Treasury with a complement of officials, for the purpose of "affording protection to the revenue during the period of doubtful and uncertain jurisdiction," as well as to procure information which would be useful to the government in organizing the administration of the territory. The report of the officer in charge of this expedition shows that he proceeded up the inland passage to the head of Lynn Canal, before going to Sitka, put himself in communication with the head chief of the Chilkat tribe, and held a conference with him and several minor chiefs, explained to them the transfer of the territory to the United States, and received from them assurances of allegiance "to the new flag." An American flag was presented to the head chief, which he placed in the bow of his canoe as he took his departure. The officer reports that "the United States flag was hoisted at Chilkat within a few minutes of the time it was hoisted at New Archangel [Sitka], as it was afterwards ascertained." After repairing to Sitka, on the return voyage to San Francisco, the revenue cutter stopped at the mouth of the Stikine, which was made a customs office or station. A conference was held likewise with the principal chief of the Stikine tribes, an American flag was given him, and a certificate that he had been recognized as the chief of the Stikines.[b]

There was also sent on the *Lincoln* an assistant superintendent of the United States Coast Survey, with a staff of scientists, to make observations and gather material with a view to perfecting the sailing charts and maps of the newly acquired territory. The report of this officer contains a detailed account of the waters in the vicinity of the southern boundary of 54° 40′, of the Stikine River, and Taku inlet and river. During the stay of the *Lincoln* at the head of Lynn Canal, observations were taken and a survey was made of the mouth of the Chilkat River and adjacent waters. On his return the assistant superintendent reported: "The general map of the coast, not yet finished, is compiled from the maps of Tebenkoff [a former Russian governor], from manuscript maps, kindly furnished me by Prince

[a] Appendix, pp. 334, 335.

[b] Appendix, pp. 337–340.

Maksoutoff, governor of the late Russian colonies, and from examinations of my own."[a]

At the time of the visit of the *Lincoln* the Hudson's Bay Company, which had been in occupation of the *lisière* under its lease from the Russian American Company, had withdrawn its posts. A vessel of the former company was, however, reported to have been met at the mouth of the Stikine "in transitu for their posts in the interior." It was also stated by the revenue agent that there was "about thirty (30) miles from the mouth * * * a station established, since our purchase, by the Hudson Bay Company, it is said, directly on our line."[b] In one of the reports is the information concerning that company that "from the mouth of the Chilkaht alone they took this year [1867] over twenty-three hundred martens or Hudson Bay sables."[c]

THE EVIDENCE OF THE MAPS.

The Government of the United States, when it entered upon the negotiations which resulted in the cession of Alaska, in 1867, had full knowledge of the extent of the territorial possessions of Russia on the mainland of the Northwest Coast of America. It had been a party at the outset to the negotiations under which the eastern boundary of these possessions was delimited by the treaty of 1825. It was fully conversant with the later negotiations of that treaty,[d] and with the subsequent events respecting the territory which it acquired by the treaty of cession of 1867.

Besides this diplomatic and historical information it was possessed of a knowledge of the official and most authentic maps and charts of Russia, Great Britain, and the other enlightened nations of the world. From this information and knowledge, as well as from that secured from the Russian minister during the negotiations, the Secretary of State, who had negotiated the treaty of cession, upon the suggestion of Charles Sumner, chairman of the Committee on Foreign Relations of the Senate of the United States,[e] caused a map to be prepared and published carefully delineating the boundary line between the newly acquired possessions of the United States and Great Britain. (A facsimile of this map will be found in the Atlas accompanying this Case, marked

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[a] Appendix, pp. 341-344.
[b] Appendix, pp. 339, 340.
[c] Appendix, p. 342.
[d] Appendix, p. 224.
[e] Appendix, p. 540.

No. 24.) This map was printed between April 20 and April 30, 1867, and was used by Senator Sumner while the treaty was under consideration in the Senate.[a] It was published six months before possession was taken of the ceded territory, and one year before the stipulated purchase money was paid.[b]

The map will be found to conform in respect to the boundary line to substantially all the maps and charts of other nations up to that date which delineate that region of the globe. A reproduction of a number of these maps will be found in the Atlas accompanying this Case, beginning with No. 11. The list includes official or authorized maps—Russian, British, Canadian, French, Spanish, German, Belgian, and American. In addition to those reproduced in facsimile, a descriptive list of a large number of other maps, together with geographic notes and information taken from accepted authority, is appended,[c] showing that the boundary of the ceded territory as claimed by Russia and accepted by the United States was recognized by all cartographers and geographical writers.

It is to be noted, in an examination of these maps, that the majority of those published subsequently to the treaty of 1825 do not reproduce the chain of mountains parallel to the coast as shown in the Vancouver charts. But the universal method followed by cartographers in drawing the boundary line at 10 marine leagues from the shore of the mainland shows that it was their opinion that no dominant range existed between that line and the sea. This belief, which was necessarily based upon very meager data, has been fully confirmed by recent investigations made in that region by officers of the United States Coast and Geodetic Survey.

In 1893 a joint international survey of the coast of the mainland between Portland Canal and the head of Lynn Canal was undertaken by the United States and Great Britain.[d] The American officers sent out in company with the Canadians examined the shores, and penetrated inland at several points for the special purpose of determining the character of the country. From their observations the following facts were established: That the mountains have a tendency to increase in altitude the farther they are situated from the shore; that throughout the *lisière* the mountains are composed of numerous isolated peaks and short ridges running in different directions, and that within 10

[a] Appendix, p. 543.
[b] Appendix, pp. 336, 540.
[c] Appendix, pp. 511–522.
[d] For reports, see Appendix, p. 523.

marine leagues of tide water there is no defined and continuous range such as appears upon the early maps and charts following the sinuosities of the coast.[a]

The Government of the United States in accepting the transfer from Russia, with the boundaries marked upon the maps and described by the Russian minister, not only occupied the colonial capital, Sitka, and the settlements on the other islands, but it also took possession of the old Russian post recently vacated by the Hudson's Bay Company at the mouth of the Stikine River, and its officials ascended Lynn Canal to its head and took formal possession by raising the American flag on shore. And at both these latter places the Indian tribes were notified of the change of sovereignty of the country and were required to pledge their allegiance to the United States.

It remains to be added that no protest was received from any quarter that the map published in 1867 by the Government of the United States delimiting the boundary was incorrect; and it has already been seen that the officials of that government entered upon and took possession of the territory so described without any opposition, official or individual. The Hudson's Bay Company, which was in possession of the *lisière* under the lease at the time the treaty of 1867 was negotiated,[b] being a British corporation, quietly withdrew into the adjoining Canadian territory.

THE AMERICAN OCCUPATION—ADMINISTRATION OF THE MILITARY AUTHORITIES.

The possession of the Russian American territory having been peacefully transferred to the United States, in accordance with the terms of the treaty of 1867, the administration of its affairs was confided to the War Department, which continued in charge of the newly organized Territory of Alaska for ten years, except as to the control of trade and the protection of the revenue by the officials of the Department of the Treasury.

General J. C. Davis, who commanded the detachment of the army which occupied Sitka at the time of the act of transfer, continued at the head of the Territorial government. Attention was early given to the Indians inhabiting the newly acquired domain. The instructions to General Davis were that, until a civil government was established,

[a] Appendix, pp. 529–538. [b] Appendix, pp. 339, 340, 342.

he should "act as their general superintendent, protecting them from abuse, and regulating their trade and intercourse" with the white inhabitants. He was to exercise the greatest vigilance and strictly enforce such regulations as he might deem necessary in regard to them.[a] Even before the transfer was effected the general commanding the division of the Pacific dispatched from San Francisco an officer, Colonel R. N. Scott, to visit the Territory of Alaska for the purpose of ascertaining and reporting upon the Indian tribes inhabiting that region, and their relations to each other and to those within British territory. He was also to report the steps necessary to be taken by the army authorities to control them and maintain peace.[b]

In his report, dated November 12, 1867, Colonel Scott gave the result of his observations and inquiries between Cape Spencer (near latitude 59°) and Portland Canal, relative to the Indians on the mainland and the islands. He referred especially to the tribes living "along the shores of the various bays, rivers, and inlets," as those which would require the interposition of the navy with light-draft gunboats or armed quartermaster's steamers, prepared to inflict summary punishment, and among these he mentioned the Chilkat Indians. He also cited the Stikine River and the inlet at its mouth as a locality which should receive military protection.[c] Attached to his report is a list of the Indian tribes on the islands "and on the mainland from Cape Spencer to Portland Channel," with their estimated population. This list, he stated, was prepared with the aid of the officers of the Hudson's Bay Company, who had so lately been in possession of the region visited.

In this list are found the Auks "scattered along Douglass Channel, on Douglass Island, and on the mainland from Lynn Canal to Taco Inlet." The Chilkats are located "at the head of Lynn Canal and mouth of Chilcah River." The Takus are mentioned as living about the "head of Taco Inlet." Of the Stikine Indians he reported that "five or six hundred of them live on the Stikeen River, and the remainder are scattered along the coast from Point Highfield to Port Steward. * * * I can not say how many of the Stikeens are in our territory." Capt. Horace Coffin, "who was for many years a trader among the northern Indians, and who lately commanded a steamer in the service of the Russian-American Telegraph Company,"[d] reported to Colonel Scott that there was "a Russian boundary monument on

[a] Appendix, p. 353.
[b] Appendix, p. 346.
[c] Appendix, pp. 347–350.
[d] Appendix, p. 349, 353.

that river, about 135 miles from its mouth, marking a point ten marine leagues from the coast. If he is correct as to the nature of this monument, most of these Indians are within our boundary."[a] Captain Coffin, it will be seen, is corroborated as to the existence of the Russian boundary monument by Lieutenant Lindenberg's survey of the Stikine in 1837.[b]

During the military occupation of Alaska General Davis and other officers made frequent reports of the exercise of authority on the mainland within the *lisière*, and especially at the head of Lynn Canal. On May 27, 1868, General Davis reported the visit to Sitka of the Chilkat chiefs to make "apologies for their past conduct toward the whites" and to express "their sincere desire to cultivate friendly relations." He described them as "the most formidable and hostile Indians, probably, in Alaska," and he recommended that troops "be sent to Lynn Channel and a post established there." In the same report is an account of the visit of chiefs from both the Taku and Stikine tribes for the purpose of establishing good relations and making peace with the Sitka Indians, which was accomplished through the general's intervention.[c]

Under date of August 3 of the same year General Davis made a report of a visit to the mouth of Chilkat River, at the head of Lynn Canal, where he had "a very satisfactory interview" with a number of the chiefs. "They are now," he said, "very friendly disposed toward us." Other visits of the Chilkat and Taku chiefs to Sitka were reported under date of December 21. "They express themselves as well satisfied with the treatment they receive from us."[d]

On January 5, 1869, a report was made of the arrest at Sitka of the principal chief of the Chilkats, "the most powerful and vindictive chief on the coast," for "an attempt at war." But five days later he gave "good assurances of his peaceful intentions for the future," and he was soon after released.[e]

During the year 1869 William H. Seward, who, as Secretary of State, had negotiated the treaty of 1867 for the cession of Alaska, paid a visit to the Territory. While he was at Sitka news was received from the region about the head of Lynn Canal that the Indians who had been showing a hostile spirit and were threatening

[a] Appendix, p. 352.
[b] Appendix, p. 514, Map No. 28.
[c] Appendix, p. 354.
[d] Appendix, p. 355.
[e] Appendix, p. 356.

war on the Sitka Indians were desirous of establishing peace and friendship with the military authorities, and General Davis decided to again visit them, and he invited Mr. Seward to accompany him. On their arrival they were met at the mouth of the Chilkat River by the head chief and several subchiefs, who escorted them up the river with much ceremony to the headquarters of the chief at the village of Klukwan.

Here a grand council with all the chiefs was held, during which it appeared that the cause of the hostilities had its origin nine or ten years before. "Then it happened," said Mr. Seward to the chiefs, "when this country belonged to the Emperor of Russia—long before it became the property of the United States. He was a great sovereign, who listened to the Indians and treated them with kindness." And it was suggested that redress should have been asked of the Russians. The answer of the chiefs was: "We did appeal to the Emperor of Russia, but he gave us no redress. Perhaps he was too poor; we know he was poor, because he had to sell his land to the Great Tyee [chief]. But now the Great Tyee himself is here in his stead, and we want to know what he is going to do about it." The result of the council was that General Davis agreed to make the chiefs a present of 36 blankets, in compensation for the alleged wrongful acts of the Sitka Indians; a compact of peace was made, and a feast to celebrate it was given on board the general's vessel.[a]

In 1870 General Davis made a visit to most of the tribes on the mainland "from Fort Tongas to the Taku and Chilcat rivers." The illicit liquor traffic among the Indians had been a source of much trouble since the cession. He reported to the Department "a decided decrease in the liquor-smuggling business during the last year. This is owing to the increased vigilance on the part of the Government officers, both revenue and military." He also alluded "to the valuable service rendered by the revenue cutters when in these waters, both in suppressing illicit trade and in cooperating with the military in looking after the Indians whenever called upon by me."[b]

In 1875 Major-General O. O. Howard, commanding the Department of the Columbia, made a tour of inspection of Alaska, visiting the inlets and rivers of the *lisière*. At the mouth of the Stikine he was called upon by representatives of the Stikine tribe, whose chief had some time before been arrested, charged with a crime, and taken as a prisoner

[a] Appendix, p. 497.

[b] Appendix, p. 357.

to the State of Oregon for trial pursuant to the provisions of the act of Congress. He was so greatly mortified at his arrest that he committed suicide. In accordance with the Indian custom the tribe demanded the life of a white man in return for their chief's death. General Howard was able to satisfy this demand by the delivery to them of ten blankets.

He made a visit on a small steamer "up the Stikine River as far as the boundary between our territory and British Columbia. No building is yet erected for the custom-house. The place for the English custom-house officers' tents is supposed to be selected within the British line. Some of our shrewd frontiersmen say that it is not 10 marine leagues from the sea, as it should be, there being really doubt as to the summit of the coast range of mountains." And he urged the importance of having "the existing doubt" definitely settled.

During his stay at the head of Lynn Canal the general visited a small Indian village four miles up the river, and was told that "the main Chilkat ranches are some 16 or 18 miles farther up."[a]

The military administration of Alaska terminated in 1877 by the withdrawal of the troops, and for some years thereafter its affairs were controlled by the naval and treasury authorities. "The reason for the withdrawal was that the protection of the Government property and the preservation of public peace and order could be more economically and more efficiently done by naval or revenue vessels."[b]

OPERATIONS OF THE NAVY.

After the withdrawal of the military forces from Alaska the government of the Territory was divided between the naval and treasury authorities, the former exercising control in the preservation of order and the enforcement of the laws, and assisting the revenue officers in the regulation of commerce and suppression of illicit trade.

The instructions of the Secretary of the Navy to the commanders of vessels in Alaska were to look out for the interests of the residents, maintain harmonious relations between the white inhabitants and the natives, exercise control over the latter, and make surveys of the harbors, inlets, rivers, and other waters as the nature of the service

[a] Appendix, pp. 359, 505.

[b] Appendix, p. 345.

would allow.[a] In execution of these instructions the naval officers, between the years 1868 and 1896, visited the inlets and rivers of the mainland of Southeastern Alaska, and, in the name and by authority of the Government of the United States, exercised various and frequent acts of sovereignty. The Stikine Indians, who, it has been seen, were located along the Stikine River from the boundary line fixed by the Russian Government down to its mouth, and the adjacent coast, were often after the cession engaged in hostilities with the neighboring tribes.

It became repeatedly the duty of the naval officers to intervene to preserve the peace, and finally, in 1881, four of the Stikine chiefs were brought to Sitka by an officer of the navy for the purpose of meeting a similar delegation of their inveterate enemies, the Kootznahoos, and through the good offices of the naval commander a treaty of peace was drawn up and signed, one of its articles stipulating that if any disputes should arise they would "be left to the arbitration of the senior officer of the United States in the Territory."[b] In cases where members of the Stikine tribe were charged with murder or other crimes, they were arrested and taken to Oregon for trial, the United States courts of that State having been given jurisdiction over offenses committed in Alaska.[c]

When disturbances broke out along the Unuk River and the chief of the native tribe refused to allow white miners to ascend that river to work the newly discovered placers, the presence of a naval vessel was invoked to preserve order and protect the miners.[d] Similar experiences were had with the Auks and Takus inhabiting the shores of Taku Inlet and River, by whom the authority of the United States was recognized, and visits were made to Sitka seeking for friendly relations with the authorities.[e]

But the chief attention of the naval officers was given to the Indians located about the head of Lynn Canal and along the rivers emptying into its inlets. They were divided into two tribes of the same family, the Chilkats and Chilkoots, whose prosperity, numerical strength, and warlike characteristics made their relations with the whites and other native tribes of much importance; to which was added the fact that they occupied a geographical position which controlled the most acces-

[a] Appendix, p. 361.
[b] Appendix, p. 378.
[c] Appendix, pp. 359, 505.
[d] Appendix, p. 389.
[e] Appendix, pp. 355, 382, 400.

sible passes from the sea to the headwaters of the Yukon River. It has been seen that they received much attention from the Russians during their occupation of the country; that the United States was careful to take formal possession of the region at the time of the transfer; and that in the early years of the American administration the military authorities had exercised special control over these Indians.

The first recorded visit of a naval vessel to the Chilkats was in 1869. It is stated that "they are the most numerous and warlike in this region and their chief is a person of great influence over them." Four years later the admiral commanding the station, acting upon the request of the chief of the Stikines, was able by friendly means to put an end to a war being waged against them by the Chilkats.[a]

Between the years 1879 and 1881 Captain Beardslee was in command in Alaska, and his reports to the Navy Department show that he was constant in his intercourse with and restraint upon the Chilkat chiefs and tribes. In 1879 the different families or divisions among the tribes were at open war with each other, and the hostilities were exposing the whites to peril and putting a stop to all trade. Captain Beardslee sent a party of friendly Indians from Sitka, headed by some Indian policemen, to remonstrate with the Chilkat tribes, to advise a cessation of the war, and to urge them to allow the white miners to pass through their country. They returned bringing an invitation to the miners to come, and promising to give them a friendly welcome. The following year the miners organized an expedition to the mining regions, and they were escorted by a detachment of the navy. The lieutenant in command executed his instructions with success. They passed through unmolested, and for the first time free entrance of miners to the Chilkat country was secured, the prohibition against their entry having previously been strictly maintained.

Captain Beardslee was so much pleased with the honorable and friendly conduct of the Chilkat chief that he sent him a present and a letter, in which he said "The Great Father in Washington, who is father of the Alaska Indians and the white men, will be greatly pleased when he receives the letter which I have sent, telling him of the good conduct of the chiefs of the Chilkats, and that they have become so wise that they can see that it is best to be friends with the white men." But before the season was passed fresh troubles arose, as it was charged that some of the miners, who had pledged them-

[a] Appendix, pp. 362, 363.

selves not to engage in trade with the Indians in the British territory which was expressly reserved to the Chilkats, had not observed their promise.

Captain Beardslee, in view of the threatening character of the news, decided to go himself to the Chilkat country and make such a display of interest and force as to impress the Indians with the earnestness of the Government. He took with him Judge Deady, of the United States court of Oregon, and William Gouverneur Morris, the special agent of the Treasury Department.

On the arrival of the vessel it was found that a fresh war had broken out between the Chilkats and Chilkoots. These disturbances were the more serious as the Northwest Trading Company, an American corporation, and a mission and school connected with the Presbyterian home mission board in New York had been established at the head of the inlets, and the lives of the white persons attached to them were imperiled as well as all trade suspended. Captain Beardslee summoned the chiefs of the rival factions to a conference on the vessel. The chiefs responded, flying the American flag at the head of their canoes as they came aboard. The result was a termination of the war and a better understanding between the miners and the Indians.[a]

While these visits of the naval officers were being made to the head of Lynn Canal, they had likewise devoted their attention to the survey of all the waters in that vicinity, including Taiya Inlet, Chilkoot Inlet and River, Chilkat Inlet, and Chilkat and Tlehini Rivers for more than 8 miles above the village of Klukwan. They also made a census of the tribes and collected other useful statistics.[b]

Among the beneficial results of the administration of the naval authorities was the issuance of an order addressed to all the Indian tribes prohibiting the further existence of a practice "among the Alaska tribes of making slaves of prisoners of war, or of hostages held for the payment of claims."[c]

The Chilkat war of 1880 was followed by another in 1881 between two clans of this tribe, the Crows and the Whales. It had its origin in *hoochenoo*, a liquor made from molasses furnished by the whites—most of the troubles among the Indians being traceable to this cause. The alarming character of the news led the commander at Sitka to send a detachment of the navy, under an experienced officer, to the scene

[a] Appendix, pp. 364–374, 502. [b] Appendix, pp. 374–377, 507.
[c] Appendix, p. 379.

of the hostilities, which was found to be at the village of Klukwan, about 25 miles interior from the mouth of the Chilkat River. This distance was traversed by the naval force, which on arrival found "this was the greatest tribal difficulty that they had ever had." Many Indians had been killed and wounded, and the war was then at its height; but by firmness and conciliation the officer was soon enabled to restore peace. The precaution was taken, however, to leave a naval guard at Portage Bay, near the mouth of the river, for the protection of the trading post and the mission.[a]

In 1884 Congress having passed an act creating a civil government for the Territory of Alaska,[b] on the arrival of a governor appointed under that law, the naval authorities ceased to exercise original control over the Indian tribes, but continued active in their efforts to maintain the peace under the direction of the governor. During the following years the exercise of force by or the presence of the navy, especially in the waters at the head of Lynn Canal, in support of the civil administration was frequent, as will be seen by reference to the naval documents appended to this Case.[c]

At the season of the year when the miners were passing through the Chilkat country a naval vessel or station was continuously maintained there. In the controversy which arose as to the right of the Chilkoot tribe to control the packing trade over the Chilkoot Pass, the naval authorities took an active part, expeditions being sent from the vessels to examine the pass and territory beyond, and report upon the conditions; and the chief of the Chilkoots, upon his own motion, submitted the question of the exclusive right of his tribe to the decision of the civil authorities.[d]

In addition to the logs of the vessels, which are to be found in the Appendix to this Case,[e] official letters or reports are also appended from officers still in the service of the Navy Department who in former years were on duty in Alaskan waters, showing that the Stikine, Auk, Taku, Chilkat, and Chilkoot Indians, who live along the inlets, and rivers of the *lisière*, rendered unquestioned submission to the authority of the United States and recognized their lands as American territory; and that the control exercised by the navy was never questioned by the British authorities.[f]

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[a] Appendix, pp. 379–381.
[b] Appendix, p. 510.
[c] Appendix, pp. 383–396.
[d] Appendix, pp. 392–396.
[e] Appendix, pp. 396–399.
[f] Appendix, pp. 399–407.

record thereof in conformity to the laws of the United States; that, in general, all locations and acquisitions of property rights in the region were made, and all recording of titles was done, pursuant to the laws of the United States; and that all property rights in dispute have been settled through the jurisdiction of the United States courts. It is shown by the deposition of Edward Armstrong, an interpreter and police officer of the United States, that he assisted in taking the census for 1890, and he stated that they "took the census of natives and whites around the head of Lynn Canal and as far up the Chilkat River as Klukwan, including Klukwan; and took the census of natives around Taku Inlet and the Taku River, proceeding and taking said census as far as 30 miles up the Taku River."[a]

Among the depositions taken by the judicial officers, as stated, is that of Don-a-wak, the chief of the Chilkat tribes. He stated that he was a chief "at the time that Russia left Alaska and the United States took charge of Alaska;" that at that time a man-of-war came to Chilkoot Inlet, he "was invited aboard by the commanding officer and informed of the transfer; * * * that from that time until the present day my tribe has recognized the authority and jurisdiction of the United States and its officers over all the country adjacent to Lynn Canal and Chilkoot Inlet and bordering thereon and adjacent to Chilkat Inlet, and at least as far as the summits of the mountains from the heads of the various inlets."[b]

There was also taken the deposition of George Shortridge, the son of the famous head chief of the Chilkats at the time of the occupation by the United States. He stated that his father was at Klukwan when he was summoned to appear before the commander of the American vessel; that a flag and a uniform were given to his father by the officer; that the flag is still in the possession of the deponent at Klukwan; that other Indian witnesses confirm the declaration of Don-a-wak as to the recognition by the Indians of the authority and jurisdiction of the United States over the country and watershed tributary to Lynn Canal; and that since the cession there has never been any attempt on the part of the officials of any other nation to exercise control or jurisdiction within the limits described[c]

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[a] Appendix, pp. 413–446. [b] Appendix, p. 427.

[c] Appendix pp. 444, 543–550.

whiskey to be supplied to the Indians, continued, and in 1894 two more inspectors were assigned to duty in the Chilkat territory, and quantities of liquor were discovered and confiscated, as far inland as the summit of the pass through the mountains north of Dyea.[a]

W. G. Morris, the special treasury agent at Sitka, reported under date of December 7, 1881, the establishment of two salmon canneries at Pyramid Harbor in Chilkat Inlet, and in the same report he gave a detailed account of his visit with Captain Beardslee, of the navy, to the Chilkat country to quell the war between the tribes of that region, of which notice has already been taken (*ante*, page 93). The report is of value as confirmatory of the exercise of authority by the naval officers over the Indians and of the submission of the natives to the control of the United States. It also shows the activity of the revenue officers in the extreme measures resorted to by them in the vicinity of the headwaters of Lynn Canal, in preventing illicit trade and in their efforts to seize and confiscate intoxicating liquors in the hands of the Indians as well as the traders.[b]

In addition to the authority conferred on the customs officials to enforce the laws in Alaska, as indicated, the Secretary of the Treasury states "that the steamers of the revenue service have made annual visits to the coast in question since 1867, under the instructions of this Department, entering all the inlets and arms of the sea to the head of navigation, for the purpose of protecting the revenue, enforcing United States laws, and preserving peace and order among the natives."[c] The Appendix to this Case contains extracts from the official reports of several of the commanders of revenue cutters, giving accounts of their visits to and intercourse with the natives of the Stikine River, the Auks on Taku River, and the Chilkat tribes at the head of Lynn Canal, as also recent letters on the same subject from captains of vessels still in the service. As indicating the character of that intercourse, the following extract is made from the report of Captain Selden, dated November 12, 1877:

> Before I sailed I called a meeting of their [the Chilkats'] chiefs and talked with them. I told them that I had been sent there by the Great Father at Washington to talk with them and to learn the truth about the reports that had been made against the Indians for pulling down the stockade, and other depredations. I urged strongly upon the Indians the necessity of their remaining at peace and submitting

[a] Appendix, pp. 460–461. [b] Appendix, pp. 462–470.
[c] Appendix, p. 447.

quietly to the authority of the United States Government, and of relying on its good faith and kind intentions toward them. I moreover told them that if they did molest the white people or destroyed private or public property that the Great Father would punish them severely. * * * They pledged themselves to use every means in their power to keep peace and order, and that no disturbance should occur among their people and the whites if they could prevent it. I am firmly convinced that what they promised they meant to perform.[a]

ACTS OF AUTHORITIES IN RELATION TO SCHOOLS, CENSUS, MINES, AND CONTROL OF THE INDIANS.

The civil government of Alaska dates from September 15, 1884, when the naval commander relinquished at Sitka to the governor appointed by the President "all civil authority hitherto exercised by the United States Navy, deeming that [their] functions in that direction ended with the advent of the civil government."[b] Before this date various missionary societies of the United States had extended their operations to Alaska and established schools at different places, the one of the Presbyterian board of home missions at Haines, Chilkoot Inlet, in 1880, having been already noticed. To this school was added another, under the direction of the United States Bureau of Education, in 1885, and it has been maintained ever since that date.[c]

It became the duty of the governor of Alaska to make an annual report. In that for 1886 he gave an account of a visit made by him to the head of Lynn Canal, accompanied by a deputy United States marshal and a force of eleven men, to investigate a charge of assault made by the chief of the Chilkoots upon a bishop of the Catholic missions. He arrested the chief, took him as a prisoner to Sitka, but for want of sufficient proof he was dismissed, professing regret and promising good conduct in the future.[d] The following year the governor made another visit to the Chilkat country, and in his report described the claim set up by the Indians to an exclusive right to do all the packing over the passes for the miners. He referred to the warlike character of the tribe, and adds: "If there is any one point in the Territory where a military post should be established and maintained it is among these Chilkats."[e]

In the report for 1892 he gave a list of the corps of Indian police which had been organized, three of them being assigned to Chilkat.

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[a] Appendix, p. 472.
[b] Appendix, p. 482.
[c] Appendix, pp. 480, 488, 506.
[d] Appendix, pp. 482–483.
[e] Appendix, p. 484.

He said: "All these policemen are required to report to some white man, usually a deputy marshal, and directed to act under orders from him, to assist the deputy in preserving order, to prevent the manufacture of hoochenoo [native liquor], to influence attendance by the native children of school age upon the Government schools, and to give prompt information relative to any matters of which the Government officers ought to be informed." He described the Chilkat district as "an important one, containing three canneries, several mines, a mission and Government school, and half a dozen, or such a matter, of stores and trading establishments. The district embraces nine Indian villages and extends 25 miles up the Chilkat River into the interior." In the same report he gave an account of the drunken riot which occurred on July 4, out of which grew the trials and convictions shown in the records from the Department of Justice.[a]

Although the civil government was not created till 1884, the United States Census Bureau caused an enumeration to be made of the inhabitants of the Territory of Alaska in 1880, and in the official report of the Tenth Census will be found a detailed enumeration of the various branches of the Chilkat, Taku, and Stikine tribes, with the location of each tribe, as follows: "The Chilkhat tribe, living on Lynn Canal; the Takoo tribe, on Takoo River and inlet," and "the Stakhin tribe, on Stakhin River."[b] A description of the Thlinkit Indians and the habitat especially of these three tribes of the Thlinkit family is given by Dr. Krause, a German traveler and scientist, who published in 1885 an account of his visit to Alaska.[c] A similar enumeration was made in 1890 for the Eleventh Census, which is accompanied with fuller details as to the population and industries of these tribes and districts.[d]

No provision was made for the registration of lands and mining claims until 1885, but previous to that time mining districts were organized by the voluntary action of the miners; the country on the mainland where gold had been discovered was treated as American territory; and by-laws were adopted having in view the application to them of the mining laws of the United States, as will be seen by the by-laws adopted by the Miners' Association of the Taku district in

[a] Appendix, pp. 485, 486.
[b] Appendix, p. 489.
[c] Appendix, p. 503.
[d] Appendix, pp. 490–491.

1881.[a] The records of the United States General Land Office show that location and registry of mining claims on Lynn Canal were made the first year the government regulations were issued, and the years following that date. It also appears that the year the land office was established at Sitka the Presbyterian mission reservation of 640 acres, allowed by the act of Congress of 1884, was surveyed and a record of it made in that land office.[b]

The first United States post-office established on Lynn Canal was opened at Haines, July 22, 1882, and since that date the United States mail has continued to be transported through the whole extent of that waterway.[c]

The review which has thus been made of the American occupation of the *lisière* establishes the following facts as to the inlets of the ocean penetrating the mainland and of the rivers which cross the boundary in their course to the sea.

At the time of the transfer in 1867 an enumeration of the Indian tribes was made, and the Stikines inhabiting the banks of the river of that name from its mouth to the Russian monument were claimed as within American jurisdiction. They were informed of the transfer, and their chief was given an American flag and a certificate of his authority. In the census of the Territory of Alaska taken in 1880 and again in 1890 these Indians were enumerated. They were subjected to the military and judicial authority of the United States. The Stikine River was considered as within the possessions of the United States as far as the Russian monument.

Taku Inlet and Taku River for a distance of 30 miles from tide water were regarded as American territory, the inhabitants were treated by the military and civil authorities as subject to American control, and they recognized that authority.

Lynn Canal, the inlets at its head, the streams which enter them, and the Chilkat River for a distance from tide water of 30 miles, have been continuously, since the cession, held to be within the Territory of Alaska. At the time of the transfer in 1867, the American flag was raised and the subjection of the Indian tribes was demanded and given; and from that date there has been an unquestioned exercise of American sovereignty, by almost every form of administration—military, naval, revenue, judicial, educational, census, land registry, postal.

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[a] Appendix, p. 494.

[b] Appendix, pp. 494–496.

[c] Appendix, p. 496.

And since the year 1880 this exercise of sovereignty has been attended by the development of commercial, industrial, and social enterprises, until the district so described has become as much an integral part of the United States as any other portion of the American domain.

STATEMENT IN CONCLUSION.

The United States asserts that the evidence, herewith submitted to the Tribunal and reviewed in the foregoing statement, establishes the following facts:

(*a*) That it was the intention of the high contracting parties to the convention of February 16/28, 1825, to confirm in full sovereignty to Russia by that instrument a continuous strip or *lisière* of territory along the continental shores of the Northwest Coast of America, extending from Portland Canal to the 141st meridian of longitude west of Greenwich.

(*b*) That it was the intention of the high contracting parties that the width of such *lisière* was to be 10 marine leagues, measured from the heads of all gulfs, bays, inlets, and arms of the sea—that is, from tide water—unless within that distance from tide water there was wholly or in part a continuous range of mountains lying parallel to the sinuosities of the coast and extending from Portland Canal to the 141st meridian of longitude west of Greenwich, in which latter case the summit of such range was to form the boundary.

(*c*) That the meaning of the treaty conforms to the intention of the high contracting parties as above stated.

(*d*) That the acts of Great Britain and Russia subsequent to the signature of the treaty, and the universal interpretation given to its delimiting articles by governments, geographers, cartographers, and historians of those and other civilized nations, agree with and confirm the intention and meaning as above stated.

(*e*) That the United States purchased the territory from Russia, relying upon such interpretation of the treaty.

(*f*) That the purchase was open and notorious to the world for the period of one year before the purchase price stipulated in the treaty was paid by the United States to Russia; and that neither during that period nor within thirty years thereafter did Great Britain give notice to the United States that she claimed any portion of the territory then ceded by Russia.

(*g*) That the United States entered into possession of and occupied

the *lisière* as above described, exercised sovereign rights therein, and treated the same at all times as a part of its national domain; and to such occupation and exercise of governmental authority Great Britain entered no protest or objection.

(*h*) That the United States, from the time of the cession from Russia, has remained in continuous and undisturbed possession of the territory ceded to it.

(*i*) That the beginning of the southern boundary between the British and Russian possessions was Cape Muzon, which at the time of the negotiation of the treaty of 1825, and long after, was believed to be one of the southern points of Prince of Wales Island, and so appeared upon the maps and charts of the period.

(*j*) That Portland Channel was the body of water now commonly known and described as Portland Canal.

(*k*) That there is not at any point within 10 marine leagues of tide water, between the head of Portland Canal and the 141st degree of longitude west of Greenwich, the whole or any part of a continuous range of mountains parallel with the sinuosities of the coast and extending from Portland Canal to the said 141st degree of longitude; and therefore the width of the *lisière*, above described, is not limited by a boundary line along the summit of such range, but solely by the agreed distance of 10 marine leagues from tide water.

(*l*) That the boundary line, determined by the treaty of 1825, began at Cape Muzon and ran thence in an easterly direction to the entrance to Portland Canal between Wales and Compton islands; thence northeasterly along the center of Portland Canal to a point equidistant from Pearse Island and Ramsden Point; thence northerly along the center of Portland Canal until the line touched the mainland at the head of Portland Canal; thence upon the same course continued to the 56th parallel of north latitude; thence northwesterly, always 10 marine leagues from tide water, around the head of Lynn Canal; thence westerly, still following the sinuosities of the coast at a distance therefrom of 10 marine leagues, until the line intersected the 141st meridian of longitude west of Greenwich; and thence due north along that meridian to the shore of the Arctic Ocean.

The United States, upon the facts established by the evidence herewith submitted, claims that the questions referred for decision to the

Tribunal, as set forth in Article IV of the treaty, should be answered and decided as hereinafter stated; and it therefore recites such questions and makes specific request as to each, as follows:

1. What is intended as the point of commencement of the line?

The United States requests the Tribunal to answer and decide that Cape Muzon is the point of commencement above mentioned.

2. What channel is the Portland Channel?

The United States requests the Tribunal to answer and decide that Portland Channel is the same body of water now commonly known and described as Portland Canal, which, passing from the north between Ramsden Point on the mainland and Pearse Island, and thence southward of said island and Wales Island, enters Dixon Entrance between the island last mentioned and Compton Island.

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

The United States requests the Tribunal to answer and decide that the line from Cape Muzon should be drawn in an easterly direction until it intersects the center of Portland Channel at its opening into Dixon Entrance.

4. To what point of the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

The United States requests the Tribunal to answer and decide that the line should be drawn from the head of Portland Channel northeasterly along the same course on which said line touches the mainland at the head of Portland Channel until it intersects the 56th parallel of north latitude.

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of North latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of ten marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten marine leagues, was it the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe

or strip of coast on the mainland, not exceeding ten marine leagues in width, separating the British Possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

The United States requests the Tribunal to answer and decide that it was the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland not exceeding ten marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich.

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisière which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

The United States, insisting that the fifth question should be answered in the affirmative, as above requested, therefore submits that an answer to the sixth question is unnecessary. But if the Tribunal should decide otherwise and answer the fifth question in the negative, then the United States, without waiving the request made as to the answer and decision of the fifth question, requests the Tribunal to answer and decide that in the event of the summit of such mountains proving to be more than ten marine leagues from the coast, the width of the *lisière*, which was to belong to Russia, should *not* be measured from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto; but that it was the intention and meaning of

the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the *lisière* was to be measured from the heads of such inlets.

7. *What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?*

The United States requests the Tribunal to answer and decide that such mountains do not exist within ten marine leagues from the coast.

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58TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 162.

ALASKAN BOUNDARY TRIBUNAL.

PROCEEDINGS

OF THE

ALASKAN BOUNDARY TRIBUNAL

CONVENED AT LONDON,

UNDER THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, CONCLUDED AT WASHINGTON, JANUARY 24, 1903, FOR THE SETTLEMENT OF QUESTIONS BETWEEN THE TWO COUNTRIES WITH RESPECT TO THE BOUNDARY LINE BETWEEN THE TERRITORY OF ALASKA AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

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APPENDIX

TO THE

CASE OF THE UNITED STATES

BEFORE THE

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UNDER THE

PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN CONCLUDED JANUARY 24, 1903.

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TREATIES.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN PROVIDING FOR THE SETTLEMENT OF QUESTIONS BETWEEN THE TWO COUNTRIES WITH RESPECT TO THE BOUNDARY LINE BETWEEN THE TERRITORY OF ALASKA AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

[Signed at Washington January 24, 1903. Ratification advised by the Senate February 11, 1903. Ratified by the President February 24, 1903. Ratified by Great Britain February 16, 1903. Ratifications exchanged at Washington March 3, 1903. Proclaimed March 3, 1903.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Great Britain providing for the settlement of questions between the two countries with respect to the boundary line between the territory of Alaska and the British possessions in North America, was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-fourth day of January, one thousand nine hundred and three, the original of which Convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the convention between Great Britain and Russia, signed under date of February 28/16, A. D. 1825, which clauses relate to the delimitation of the boundary line between the territory of Alaska, now a possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a tribunal, and to that end have appointed their respective plenipotentiaries as follows:

The President of the United States of America, John Hay, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable Sir Michael H. Herbert, K. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary;

Who, after an exchange of their full powers which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

A tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this convention. The tribunal



58TH CONGRESS, 2d Session. } SENATE. } DOCUMENT No. 162.

ALASKAN BOUNDARY TRIBUNAL.

PROCEEDINGS

OF THE

ALASKAN BOUNDARY TRIBUNAL,

CONVENED AT LONDON,

UNDER THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, CONCLUDED AT WASHINGTON, JANUARY 24, 1903, FOR THE SETTLEMENT OF QUESTIONS BETWEEN THE TWO COUNTRIES WITH RESPECT TO THE BOUNDARY LINE BETWEEN THE TERRITORY OF ALASKA AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

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UNDER THE

PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN CONCLUDED JANUARY 24, 1903.

ARTICLE VII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington or in London so soon as the same may be effected.

In faith whereof we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done at Washington, in duplicate, this 24th day of January, A. D. 1903.

JOHN HAY [SEAL.]
MICHAEL H. HERBERT [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the third day of March, one thousand nine hundred and three;

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington, this third day of March, in the year of our Lord one thousand nine hundred and three, and
[SEAL] of the Independence of the United States the one hundred and twenty-seventh.

THEODORE ROOSEVELT

By the President:
JOHN HAY,
Secretary of State.

TRANSLATION OF THE PASSAGES IN THE FRENCH LANGUAGE CONTAINED IN ARTICLE III OF THE CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN, SIGNED JANUARY 24, 1903, SUBMITTED TO THE SENATE OF THE UNITED STATES BEFORE RATIFICATION.

The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of the Northwest America shall be traced as follows:

Starting from the southernmost point of the island called Prince of Wales, which point is situated on the parallel of 54 degrees 40 minutes of north latitude and between the 131st and 133d degree of west longitude (meridian of Greenwich), the said line shall ascend northward along the passage called *Portland Channel* as far as the point of the mainland, where it [the line][a] reaches the 56th degree of north latitude; from this latter point the line of demarcation shall follow the crest of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (same meridian); and

[a] French *elle*, the governing antecedent being *la ligne*, which is the subject of the sentence. If reference to *la passe*, which is a detail of the sentence, had been intended, French grammatical usage would have required its express designation as celle-ci—the latter.

finally, from said point of intersection the same meridian line of the 141st degree shall form, in its extension as far as the Arctic Ocean,[a] the boundary between the Russian and British possessions upon the continent of Northwest America.

IV.

It is understood with regard to the line of demarcation fixed in the preceding article—

1. That the island called *Prince of Wales* shall belong wholly to Russia.

2. That wherever the crest of the mountains which stretch in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude may lie at the distance of more than ten marine leagues from the ocean the boundary between the British possessions and the coast strip[b] mentioned above as having to belong to Russia shall be formed by a line parallel to the sinuosities of the coast, and which can in no case be more distant therefrom than ten leagues.

V.

It is moreover agreed that no establishment shall be formed by either of the two parties within the limits which the two preceding articles assign to the possessions of the other. Consequently British subjects shall not form any establishment either upon the coast or upon the mainland strip[c] comprised within the limits of the Russian possessions as they are designated in the two preceding articles, and in like wise no establishment shall be formed by the Russian subjects beyond the said limits.

LITERAL TRANSLATION OF ARTICLES III AND IV OF THE RUSSIAN TEXT OF THE TREATY BETWEEN GREAT BRITAIN AND RUSSIA OF FEBRUARY 28/16, 1825, AS CERTIFIED BY THE RUSSIAN FOREIGN OFFICE.[d]

III. The line of limit-separation between the possessions of the High negotiating sides upon the shore of solid land and upon the islands of Northwest America shall be drawn out in the following manner:

Beginning from the very southern part of the island, named *Prince of Wales*, which point finds itself under 54 degree 40 minutes of north latitude and between 131 and 133 degree of west longitude (counting from Greenwich meridian), the above-mentioned line stretches itself through to the north lengthwise by the inlet, called *Portland Canal* up to that point of solid land where she [the line, not the inlet] touches the 56 degree of north latitude. Thence the line of limit-separation shall follow the backbone of the mountains spread out in a parallel direction with the shore up to the point of cutting across upon the 141

[a] French, *mer glaciale*—frozen ocean.

[b] In French, la lisiere de côte. The word "lisiere" means literally "selvedge," and by use any border or edging strip.

[c] In French, la lisiere de terre ferme, lisiere de côte. In both these phrases the qualification of lisiere is adjectival, not particular, as treated in the English translation of 1825. They mean "coastwise strip" or "coast strip" and "mainland strip," respectively, not "line of *the* coast" or "lisiere of *the* continent," as translated by the British foreign office.

[d] The Russian text, of which the above is a translation, will be found facing page 8.

degree of west longitude (from the same meridian), and, finally, from this point of cutting-across the same meridinal line of 141 degree composes in its continuation up to the Frozen sea, the boundary between the Russian and of Great Britain possessions on the solid land of Northwest America.

IV. In relation to the line of limit-separation, defined in the preceding article, it is understood:

1. That the island, named *Prince of Wales*, shall belong to Russia entire without exception.

2. That everywhere, where the backbone of the mountains stretches out in a parallel direction with the shore from 56 degree of north latitude up to the point of cutting-across under 141 degree of west longitude, shall stand away farther than ten marine miles from the Ocean the boundary between the Great Britain possessions and the above-designated shore as being necessary to belong to Russia, shall be drawn out by a parallel line with the crookedness (Кривизнами) of the shore and cannot go farther than ten naval miles from it.

TREATY BETWEEN THE UNITED STATES AND RUSSIA RELATIVE TO NAVIGATION, FISHING, AND TRADING IN THE PACIFIC OCEAN AND TO ESTABLISHMENTS ON THE NORTHWEST COAST, CONCLUDED APRIL 5/17, 1824

Au Nom de la très Sainte et Indivisible Trinité:

Le Président des Etats-Unis d'Amérique, et Sa Majesté l'Empereur de toutes les Russies, voulant cimenter les liens d'amaitié qui les unissent et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente Convention, ont nommé pour Leurs Plénipotentiaires à cet effet, savoir: le Président des Etats-Unis d'Amériquê, le Sieur Henry Middleton, Citoyen des dits Etats, et Leur Envoyé Extraordinaire et Ministre Plenipotentiaire près Sa Majesté Impériale: et Sa Majesté l'Empereur de toutes les Russies, Ses amés et féaux les Sieurs Charles Robert Compte de Nesselrode, Conseiller Privé actuel, Membre du Conseil d'Etat, Secrétaire d'Etat Dirigeant le Ministère des affaires étrangères, Chambellan actuel, Chevalier de l'ordre de St. Alexandre Nevsky, Grand Croix de l'ordre de St. Wladmir de la 1re classe, Chevalier de celui de l'aigle blanc de Pologne, Grand Croix de l'ordre de St. Etienne de Hongrie, Chevalier des ordres du St. Esprit et de St. Michel et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des ordes de l'Aigle noir et de l'Aigle rouge de Prusse, de l'Annonciade de Sardaigne, de Charles III d'Espagne, de St. Ferdinand et du mérite de Naples, de l'Eléphat de Danemarc, de l'Etoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidélité de Bade, et de St. Constantin de Parme, et Pierre de Poletica, Conseiller d'Etat actuel, Chevalier de l'ordre de Ste. Anne de la 1re classe, et Grand Croix de l'ordre de St. Wladmir de la seconde; lesquels après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes.

Article Premier.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique on Mer du Sud, les Citoyens ou Sujets re-

Articles III and IV of the Treaty

III. Черта разграничения между владениями Высокихъ договаривающихся сторонъ по берегу твердой земли и по островамъ Съверо-западной Америки будетъ проведена слѣдующимъ образомъ:

Начиная съ самой южной части острова, именуемаго Принцъ Валлійскій, каковая точка находится подъ 54 градусомъ 40 минутами сѣверной широты и между 131 и 133 градусомъ западной долготы (считая отъ Гринвичскаго меридіана), вышесказанная черта протянется къ сѣверу вдоль по проливу, называемому Портландскій каналъ до той точки твердой земли, гдѣ она касается 56 градуса сѣверной широты. Отсюда черта разграниченія послѣдуетъ по хребту горъ, простирающихся въ параллельномъ направленіи къ берегамъ до точки пересѣченія на 141 градусѣ западной долготы (отъ того же меридіана), и, наконецъ, отъ сей точки

2

пресѣченія также меридіальная линія
141 градуса составитъ въ своемъ про-
долженіи до Ледовитаго моря, гра-
ницу между Россійскими и Брит.
кодскими владѣніями на
твердой землѣ Сѣверо-западной Аме-
рики. —

IV. Въ отношеніи къ черт[ѣ] раз-
граниченія, опредѣленной въ предыду-
щей ст[а]тьѣ, разумѣется.

1.– Что островъ, именуемый
Принцъ Валлійскій, принадлежать
будетъ Россіи весь безъ изъятія.–

2.– Что вездѣ, гдѣ хребетъ горъ
простирается въ параллельномъ
направленіи съ берегомъ отъ 56 гра-
дуса сѣверной широты до точки
пресѣченія подъ 141 градусомъ запад-
ной долготы, отстоять будетъ да-
лѣе десяти морскихъ миль отъ
Океана, граница между владѣніями
Великобританскими и выше означен-
нымъ берегомъ, яко долженствую-
щимъ принадлежать Россіи, прове-
дена будетъ параллельно чертѣ
съ кривизнами берега и не можетъ
идти далѣе десяти морскихъ миль
отъ онаго.–

spectifs des hautes Puissances contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les articles qui suivent.

Article Deuxième.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand Océan par les Citoyens et Sujets des hautes Puissances contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les Citoyens des Etats Unis n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que réciproquement les Sujets Russes ne pourront aborder sans permission à aucun établissement des Etats-Unis sur la Côte nord-ouest.

Article Troisième.

Il est convenu en outre, que dorénavant il ne pourra être formé par les Citoyens des Etats-Unis, ou sous l'autorité des dits Etats, aucun établissement sur la Côte nord ouest d'Amérique, ni dans aucune des îles adjacentes *au Nord* du cinquante quatrième degré et quarante minutes de latitude septentrionale; et que de même il n'en pourra être formé aucun par des Sujets Russes, ou sous l'autorité de la Russie, *au Sud* de la même parallèle.

Article Quatrième.

Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente Convention, les Vaisseaux des deux Puissances, ou qui appartiendraient à leurs Citoyens ou Sujets respectifs, pourront réciproquement fréquenter sans entrave quelconque, les mers intérieures, les golfes, hâvres et criques sur la Côte mentionnée dans l'article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

Article Cinquième.

Sont toutefois exceptées de ce même commerce accordé par l'article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre et munitions de guerre de toute espèce, que les deux Puissances s'engagent réciproquement à ne pas vendre, ni laisser vendre aux Indigènes par leurs Citoyens et Sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte ni être alléguée dans aucun cas, pour autoriser soit la visite ou la détention des Vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feraient ce commerce; les hautes Puissances contractantes s'étant réciproquement réservé de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet article par leurs Citoyens ou Sujets respectifs.

ARTICLE SIXIÈME.

Lorsque cette Convention aura été duement ratifiée par le Président des Etats Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Petersbourg le $\frac{5}{17}$ Avril de l'an de grâce mil huit cent vingt quatre.

[SEAL.] HENRY MIDDLETON.
[SEAL.] Le Comte CHARLES DE NESSELRODE.
[SEAL.] PIERRE DE POLETICA.

[Translation.]

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their Plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Würtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second;

Who, after having exchanged their full powers, found in good and due form have agreed upon and signed the following stipulations:

ARTICLE I.

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE II.

With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest coast.

ARTICLE III.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

ARTICLE VI.

When this convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at St. Petersburg the 17/5 April, of the year of Grace one thousand eight hundred and twenty-four.

[SEAL.] HENRY MIDDLETON.
[SEAL.] Le Comte CHARLES DE NESSELRODE.
[SEAL.] PIERRE DE POLETICA.

TREATY BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST. PETERSBURG FEBRUARY 16/28, 1825.

Au Nom de la Très Sainte et Indivisible Trinité.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui réglerait; d'après le principe des convenances réciproques, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir;—Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, &c. Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, &c.; et le Sieur Pierre de Poletica, Son Conseiller d'Etat actuel, &c. Lesquels Plénipotentiaires, après s'être communiqué leurs Plein-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:—

I. Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux Côtes, sur des Points qui ne seraient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le Grand Océan par les Sujets des Hautes Parties Contractantes, ne deviennent le prétexte d'un commerce illicite, il est convenu que les Sujets de Sa Majesté Britannique n'aborderont à aucun Point où il se trouve un Etablissement Russe, sans la permission du Gouverneur ou Commandant, et que, réciproquement, les Sujets Russes ne pourront aborder, sans permission, à aucun Etablissement Britannique, sur la Côte Nord-ouest.

III. La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit:—

A partir du Point le plus méridional de l'Ile dite Prince of Wales, lequel Point se trouve sous la parallèle du 54^{me} degré 40 minutes de latitude Nord, et entre le 131^{me} et le 133^{me} degré de longitude Ouest

(Méridien de Greenwich), la dite ligne remontera au Nord de long de la passe dite Portland Channel, jusqu'au Point de la terre ferme où elle atteint le 56me degré de latitude Nord: de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même Méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord-ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent:

1°. Que l'île dite Prince of Wales appartiendra toute entière à la Russie:

2°. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56me degré de latitude Nord au point d'intersection du 141me degré de longitude Ouest, se trouverait à la distance de plus de dix lieues marines de l'Ocean, la limite entre les Possessions Britanniques et la lisière de Côte mentionnée ci-dessus comme devant appartenir à La Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.

V. Il est convenu en outre, que nul Etablissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux Possessions de l'Autre. En conséquence, les Sujets Britanniques ne formeront aucun Etablissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et de même, nul Etablissement ne sera formé par des Sujets Russes au delà des dites limites.

VI. Il est entendu que les Sujets de Sa Majesté Britannique, de quelque Côte qu'ils arrivent, soit de l'Ocean, soit de l'intérieur du Continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières, qui, dans leurs cours vers la mer Pacifique, traverseront la ligne de démarcation sur la lisière de la Côte indiquée dans l'Article 3. de la présente Convention.

VII. Il est aussi entendu que, pendant l'espace de dix Ans, à dater de la signature de cette Convention, les Vaisseaux des deux Puissances, ou ceux appartenans à leurs Sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les Mers intérieures, les Golfes, Havres, et Criques sur la côte mentionnée dans l'Article 3, afin d'y faire la pêche et le commerce avec les Indigènes.

VIII. Le Port de Sitka, ou Novo Archangelsk, sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espace de dix ans, à dater de l'échange des Ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à La Grande Bretagne.

IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes-à-feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre; les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que ce puisse être, aux Indigènes du pays, les articles ci-dessus mentionnés.

X. Tout Vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les Ports des Parties respectives, aura la liberté de s'y radouber, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres Droits que ceux de Port et de Fanaux, lesquels seront pour lui les mêmes que pour les Bâtimens Nationaux. Si, cependant, le Patron d'un tel navire se trouvait dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'Endroit où il aura abordé.

XI. Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les Autorités Civiles et Militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Londres, dans l'espace de six semaines, ou plutôt si faire se peut.

En Foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le Cachet de leurs Armes.

Fait à St. Petersbourg, le $\frac{\text{Vingt huit}}{\text{Seize}}$ Février, de l'an de Grace mil-huit-cent-vingt-cinq.

[L. S.] STRATFORD CANNING.
[L. S.] LE COMTE DE NESSELRODE.
[L. S.] PIERRE DE POLETICA.

[Translation—Hertslet's Commercial and Slave Trade Treaties, Vol. III, p. 362.]

In the name of the Most Holy and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their respective possessions on the North-west coast of America, have named Plenipotentiaries to conclude a convention for this purpose, that is to say: His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Stratford Canning, a member of his said Majesty's Most Honorable Privy Council, etc., and His Majesty the Emperor of all the Russias, the Sieur Charles Robert Count de Nesselrode, His Imperial Majesty's Privy Councillor, a member of the Council of the Empire, Secretary of State for the department of Foreign Affairs, etc., and the Sieur Pierre de Poletica, His Imperial Majesty's Councillor of State, etc. Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

ART. I. It is agreed that the respective subjects of the high contracting Parties shall not be troubled or molested, in any part of the ocean, commonly called the Pacific Ocean, either in navigating the same, in

fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following articles.

II. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the high contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the Governor or Commandant; and, on the other hand, that Russian subjects shall not land, without permission, at any British establishment, of the Northwest coast.

III. The line of demarcation between the possessions of the high contracting Parties, upon the coast of the continent, and the islands of America to the North-west, shall be drawn in the manner following:

Commencing from the southernmost point of the island called *Prince of Wales* Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and the 133d degree of west longitude (Meridian of Greenwich), the said line shall ascend to the north along the channel called *Portland Channel*, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the continent of America to the North-west.

IV. With reference to the line of demarcation laid down in the preceding article it is understood:

First. That the island called *Prince of Wales* Island shall belong wholly to Russia.

Second. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British Possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

V. It is moreover agreed, that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other; consequently, British subjects shall not form any establishment either upon the coast, or upon the border of the continent comprised within the limits of the Russian Possessions, as designated in the two preceding articles; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean, or from the interior of the continent, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams

which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in article three of the present convention.

VII. It is also understood, that, for the space of 10 years from the signature of the present convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in article three for the purposes of fishing and of trading with the natives.

VIII. The port of Sitka, or Novo Archangelsk, shall be open to the commerce and vessels of British subjects for the space of 10 years from the date of the exchange of the ratifications of the present convention. In the event of an extension of this term of 10 years being granted to any other Power, the like extension shall be granted also to Great Britain.

IX. The above-mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder or other warlike stores; the high contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

X. Every British or Russian vessel navigating the Pacific Ocean, which may be compelled by storms or by accident, to take shelter in the ports of the respective Parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other port and light-house dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

XI. In every case of complaint on account of an infraction of the articles of the present convention, the civil and military authorities of the high contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective courts, who engage to settle the same, in a friendly manner, and according to the principles of justice.

XII. The present convention shall be ratified, and the ratification shall be exchanged at London, within the space of six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Petersburg, the $\frac{16}{28}$th day of February, in the year of our Lord, 1825.

[L. S.] STRATFORD CANNING. [L. S.] THE COUNT DE NESSELRODE.
[L. S.] PIERRE DE POLETICA.

EXTRACTS FROM TREATY OF COMMERCE AND NAVIGATION OF 1843, BETWEEN GREAT BRITAIN AND RUSSIA.

[For full text, see Hertslet's Commercial and Slave Trade Treaties, Vol. VI, p. 762.]

* * * * * * *

XII. It is understood that, in regard to commerce and navigation in the Russian possessions on the north-west coast of America, the Convention concluded at St. Petersburg, on the 16/28 February, 1825, continues in force.

* * * * * * *

XV. The present Treaty shall remain in force during the space of 10 years dating from the exchange of the ratifications thereof; and further, until the expiration of 12 months after either of the High Contracting Parties shall have given notice to the other of its intention to put an end thereto; each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the expiration of the first 9 years: and it is agreed between them, that at the expiration of 12 months after such notice shall have been received by either of the High Contracting Parties from the other, the present Treaty, and all the stipulations contained therein, shall cease to be binding on the 2 Parties.

EXTRACTS FROM TREATY OF COMMERCE AND NAVIGATION OF 1859, BETWEEN GREAT BRITAIN AND RUSSIA.

[For full text, see Hertslet's Commercial and Slave Trade Treaties, Vol. X, p. 1057.]

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XIX. * * * * * * *

In regard to commerce and navigation in the Russian Possessions on the North-West Coast of America, the Convention concluded at St. Petersburg on the 16th (28th) of February, 1825, shall continue in force.

* * * * * * *

XXII. The present Treaty of Commerce and Navigation shall remain in force for 10 years from the date of the exchange of the ratifications; and further, until the expiration of 12 months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same; each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the expiration of the first 9 years, or at any time afterwards.

* * * * * * *

TREATY CONCERNING THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA BY HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS TO THE UNITED STATES OF AMERICA.

[Concluded March 30, 1867. Ratified by the United States May 28, 1867. Exchanged June 20, 1867. Proclaimed by the United States June 20, 1867.]

Sa Majesté l'Empereur de toutes les Russies et les Etats-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nommé, à cet effet, pour leurs Plénipotentaires.

savoir: Sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé Edouard de Stoeckl, son Envoyé Extraordinaire et Ministre Plénipotentiaire aux Etats-Unis; et,

Le Président des Etats-Unis, le Sieur William H. Seward, Secrétaire d'Etat;

Lesquels, après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivans:

ARTICLE I.

Sa Majesté l'Empereur de toutes les Russies s'engage, par cette convention, à céder aux Etats-Unis, immédiatement après l'échange des ratifications, tout le territoire avec droit de Souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles contigües, le dit territoire étant compris dans les limites géographiques ci-dessous indiquées, savoir: la limite orientale est la ligne de démarcation entre les possessions Russes et Britanniques dans l'Amérique du Nord, ainsi qu'elle est établie par la Convention conclue entre la Russie et la Grande-Bretagne, le $\frac{16}{28}$ Février 1825, et définie dans les termes suivans des articles III et IV de la dite convention:

A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich), la dite ligna remontera, au Nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme, où elle atteint le 56me degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien); et finalement du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique Nord-Ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précedent:

1°. Que l'île dite Prince of Wales, appartiendra toute entière à la Russie: (mais dès ce jour en vertu de cette cession aux États-Unis.)

2°. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56me degré de latitude nord au point d'intersection du 441me degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie (c'est-à-dire la limite des possessions cédées par cette Convention) sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines.

La limite Occidentale des territoires cédés passe par un point au détroit de Behring sous la parallèle du soixante-cinquième degré trente minutes de latitude Nord à son intersection par le méridien qui sépare à distance égale les îles Krusenstern ou Ignalook et l'île Ratmanow ou Noonarbook et remonte en ligne directe, sans limitation, vers le Nord jusqu'à ce qu'elle se perde dans la mer Glaciale. Commençant au même point de départ, cette limite Occidentale suit de là un cours presque Sud-Ouest, à travers le détroit de Behring et la mer de Behring, de manière à passer à distance égale entre le point Nord-Ouest de l'île Saint Laurent et le point Sudest du cap Choukotski jusqu'au méridien cent-soixante-douzième de longitude Ouest; de ce point à partir de l'intersection de ce méridien, cette limite suit une direction Sud-Ouest de manière à passer à distance égale entre l'île d'Attou et l'île Copper du groupe d'îlots Komandorski dans l'Océan Pacifique Septentrional jusqu'au méridien de cent quatre-vingt-treize degrés de longitude Ouest, de manière à enclaver dans le territoire cédé, toutes les îles Aléoutes situées à l'est de ce méridien.

ARTICLE II.

Dans le territoire cédé par l'article précédent à la Souveraineté des États Unis, sont compris le droit de propriété sur tous les terrains et places publics, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété privée individuelle. Il est toutefois entendu et convenu que les églises construites par le Gouvernement Russe sur le territoire cédé, resteront la propriété des membres de l'Eglise Grecque Orientale résidant dans ce Territoire et appartenant à ce culte. Tous les archives, papiers, et documens du Gouvernement ayant trait au susdit territoire, et qui y sont maintenant déposés, seront placés entre les mains de l'agen, des Etats-Unis; Mais les Etats-Unis fourniront, toujours quand il y aura lieu, des copies légalisées de ces documens au Gouvernement Russe, aux officiers ou sujets Russes qui pourront en faire la demande.

ARTICLE III.

Il est réservé aux habitans du territoire cédé le choix de garder leur nationalité et de rentrer en Russie dans l'espace de trois ans; mais s'ils préfèrent rester dans le territoire cédé, ils seront admis, à l'exception toutefois des tribus sauvages, à jouir de tous les droits, advantages et immunités des citoyens des Etats-Unis, et ils seront maintenus et protégés dans le plein exercice de leur liberté, droit de propriété et religion. Les tribus sauvages seront assujéties aux lois et réglements que les Etats-Unis pourront adopter, de tems en tems à l'égard des tribus aborigènes de ce pays.

ARTICLE IV.

Sa Majesté l'Empereur de toutes les Russies nommera, aussitôt que possible, un agent ou des agens chargés de remettre, formellement à l'agent ou aux agens nommés par les Etats-Unis, le territoire, la Souveraineté, les propriétés, dépendances et appartenances ainsi cédés et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit de possession immédiate, doit toutefois être considérée complète et absolue à l'échange des ratifications, sans attendre la remise formelle.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette Convention, les fortifications et les postes militaires qui se trouveront sur le territoire cédé seront remis à l'agent des Etats-Unis et les troupes Russes qui sont stationnées dans le dit territoire seront retirées dans un terme praticable et qui puisse convenir aux deux parties.

ARTICLE VI.

En considération de la susdite cession, les Etats-Unis s'engagent à payer à la Trésorerie à Washington, dans le terme de dix mois, après l'échange des ratifications de cette Convention, sept millions deux cent mille dollars en or, au Représentant diplomatique ou tout autre agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du Territoire avec droit de Souveraineté,

faite par cette Convention, est déclarée libre et dégagée de toutes réservations, privilèges, franchises ou possessions par des compagnies Russes ou toute autre; légalement constituées ou autrement, ou par des associations, sauf simplement les propriétaires possédant des biens privés individuels, et la cession ainsi faite transfère tous les droits, franchises et privilèges appartenant actuellement à la Russie dans le dit territoire et ses dépendances.

ARTICLE VII.

Lorsque cette Convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part, et par le Président des Etats-Unis, avec l'avis et le consentement du Sénat de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature ou plus tôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé cette Convention et y ont apposé le sceau de leur armes.

Fait à Washington le 18–30 jour de Mars de l'an de Notre Seigneur mil-huit-cent-soixante-sept.

[L. S.] EDOUARD DE STOECKL.
[L. S.] WILLIAM H. SEWARD.

[Translation.]

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor, Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, in February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

1st. That the island called Prince of Wales Island shall belong wholly to Russia (now, by this cession, to the United States).

2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Komandorski couplet or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian Government, or to such Russian officers or subjects as they may apply for.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized

tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L. S.] WILLIAM H. SEWARD.
[L. S.] EDOUARD DE STOECKL.

IMPERIAL RUSSIAN UKASES.

UKASE OF JULY 8, 1799, GRANTING PRIVILEGES TO THE RUSSIAN AMERICAN COMPANY.

FIRST CHARTER OF THE RUSSIAN AMERICAN COMPANY.[a]

On the original is written in His Imperial Majesty's own hand: "Be it thus."—Peterhoff, July 8, 1799.

"By the grace of a merciful God, we, Paul the First, Emperor and Autocrat of all the Russias, etc. To the Russian American Company under our highest protection. The benefits and advantages resulting to our empire from the hunting and trading carried on by our loyal subjects in the northeastern seas and along the coasts of America have attracted our imperial attention and consideration; therefore, having taken under our immediate protection a Company organized for the above-named purpose of carrying on hunting and trading, we allow it to assume the appellation of 'Russian American Company, operating under our Highest Protection;' and for the purpose of aiding the Company in its enterprises, we allow the commanders of our land and sea forces to employ said forces in the Company's aid if occasion requires it, while for further relief and assistance of said Company, and having examined their rules and regulations, we hereby declare it to be our highest Imperial will to grant to this Company for a period of 20 years the following rights and privileges:

I. By the right of discovery in past times by Russian navigators of the northeastern[b] part of America, beginning from the fifty-fifth degree of north latitude and of the chain of islands extending from Kamchatka to the north to America, and southward to Japan, and by right of possession of the same by Russia, we most graciously permit the Company to have the use of all hunting-grounds and establishments now existing on the northeastern[b] coast of America, from the above-mentioned fifty-fifth degree to Bering Strait, and also on the Aleutian, Kurile, and other islands situated in the Northeastern Ocean.

II. To make new discoveries not only north of the fifty-fifth degree of north latitude, but farther to the south, and to occupy the new lands discovered, as Russian possessions, according to prescribed rules, if they have not been previously occupied by, or been dependent on, any other nation.

III. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the interior of the earth, without competition from others.

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[a] For Russian text, see "Historical Review of the Development of the Russian American Company and of its Operations up to the present time," Tikhmenief, St. Petersburg, 1861, vol. I, app., p. 19, and Golovnin, in Materialui, I, pp. 77–80.

[b] *Sic.*

IV. We most graciously permit this Company to establish settlements in future times, wherever they are wanted, according to its best knowledge and belief, and fortify them to insure the safety of the inhabitants, and to send ships to those shores with goods and hunters, without any obstacles on the part of the Government.

V. To extend their navigation to all adjoining nations and hold business intercourse with all surrounding powers, upon obtaining their free consent for the purpose, and under our highest protection to enable them to prosecute their enterprises with greater force and advantage.

VI. To employ for navigation, hunting, and all other business, free and unsuspected people, having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities, passports for seven years. Serfs and house-servants will only be employed by the Company with the consent of their landholders, and Government taxes will be paid for all serfs thus employed.

VII. Though it is forbidden by our highest order to cut Government timber anywhere without the permission of the admiralty college, this Company is hereby permitted, on account of the distance of the admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required.

VIII. For shooting animals, for marine signals, and in all unexpected emergencies on the mainland of America, and on the islands, the Company is permitted to buy for cash, at cost price, from the Government artillery magazine at Irkutsk, yearly, 40 or 50 pouds of powder and from the Nertchinsk mine 200 pouds of lead.

IX. If one of the partners of the Company becomes indebted to the Government or to private persons and is not in a condition to pay them from any other property except what he holds in the Company, such property can not be seized for the satisfaction of such debts, but the debtor shall not be permitted to use anything but the interest or dividends of such property until the term of the Company's privileges expires, when it will be at his or his creditor's disposal.

X. The exclusive right is most graciously granted to the Company for a period of twenty years, to use and enjoy, in the above-described extent of country and islands, all profits and advantages derived from hunting, trade, industries, and discovery of new lands, prohibiting the enjoyment of these profits and advantages not only to those who would wish to sail to those countries on their own account, but to all former hunters and trappers who have been engaged in this trade and have their vessels and furs at those places; and other companies which may have been formed will not be allowed to continue their business unless they unite with the present Company with their free consent; but such private companies or traders as have their vessels in those regions can either sell their property, or, with the Company's consent, remain until they have obtained a cargo, but no longer than is required for the loading and return of their vessel; and after that nobody will have any privileges but this one Company, which will be protected in the enjoyment of all the rights mentioned.

XI. Under our highest protection the Russian American Company will have full control over all above-mentioned localities, and exercise judicial powers in minor cases. The Company will also be permitted

to use all local facilities for fortifications in the defense of the country under their control against foreign attacks. Only partners of the Company shall be employed in the administration of the new possessions in charge of the Company.

UKASE OF SEPTEMBER 4, 1821.[a]

EDICT OF HIS IMPERIAL MAJESTY, AUTOCRAT OF ALL THE RUSSIAS.

The directing Senate maketh known unto all men:

Whereas in an Edict of His Imperial Majesty issued to the directing Senate on the 4th day of September, and signed by His Majesty's own hand, it is thus expressed:

Observing, from Reports submitted to us, that the trade of our subjects on the Aleutian Islands and on the north-west coast of America, appertaining unto Russia, is subject, because of secret and illicit traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

In forwarding these Regulations to the directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution.

(Signed) Count D. GURIEFF,
Minister of Finances.

It is therefore decreed by the directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

[The original is signed by the directing Senate.]

Printed at St. Petersburgh. In the Senate, the 7th September, 1821.

[On the original is written, in the handwriting of His Imperial Majesty, thus:]

Be it accordingly.

(Signed) ALEXANDER.

KAMENNOY OSTROFF, *September 4, 1821.*

RULES ESTABLISHED FOR THE LIMITS OF NAVIGATION AND ORDER OF COMMUNICATION ALONG THE COAST OF THE EASTERN SIBERIA, THE NORTH-WEST COAST OF AMERICA, AND THE ALEUTIAN, KURILE, AND OTHER ISLANDS.

§ 1. The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, posts, and gulfs, including the whole of the north-west coast of America, beginning from Behring Straits to the 51° of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Straits to the south cape of the Island of Urup, viz., to the 45° 50′ north latitude, is exclusively granted to Russian subjects.

§ 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia as stated above, but also, to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation along with the whole cargo.

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[a] For Russian text see Tikhmenief, vol. I, app., p. 27.

§ 3. An exception to this rule is to be made in favour of vessels carried thither by heavy gales, or real want of provisions, and unable to make any other shore but such as belongs to Russia; in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing Rule 2. In this case, however, they must be previously provided with passports from the Russian Minister of the Navy.

§ 4. Foreign merchant-ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts, are obliged to endeavour to choose a place where Russians are settled, and to act as hereafter stated.

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§ 12. It is prohibited to these foreign ships to receive on board, without special permission of the Commanders, any of the people in the service of the Company, or of the foreigners living in the Company's Settlements. Ships proved to have the intention of carrying off any person belonging to the Colony shall be seized.

§ 13. Every purchase, sale, or barter is prohibited betwixt a foreign merchant-ship and people in the service of the Company. This prohibition extends equally to those who are on shore and to those employed in the Company's ships. Any ship acting against this rule shall pay five times the value of the articles, stores, or goods constituting this prohibited traffic.

§ 14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands, and of the north-west coast of America, in the whole extent here above mentioned. A ship convicted of this trade shall be confiscated.

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COUNT D. GURIEF,
Minister of Finance.

UKASE OF SEPTEMBER 13, 1821, RENEWING PRIVILEGES OF THE RUSSIAN-AMERICAN COMPANY.

SECOND CHARTER OF THE RUSSIAN AMERICAN COMPANY.[a]

By His Imperial Majesty's Ukase, bearing his signature, and communicated to the Ruling Senate on the 13th day of September, of the year 1821, it is decreed:

"The Russian-American Company, under our protection, availing itself of the privileges conferred upon it by Imperial Decree in the year 1799, has completely fulfilled what we expected of it, by its success in navigation, by what it has done to develop the trade of the Empire, to the benefit of all, and by securing considerable profits to those who are directly interested in it. In consideration whereof, being desirous of prolonging its existence and establishing it yet more firmly, we hereby renew the privileges granted to it, with the necessary additions and modifications, for a period of twenty years from

[a] For Russian text, see Tikhmenief, Vol. I, app., p. 41.

this date, and having sanctioned the new Regulations drawn up for it, hand this over to the Ruling Senate, commanding them to prepare the necessary document setting forth these privileges, to lay it before us for our signature, and to take the proper further steps in the matter."

PRIVILEGES GRANTED TO THE RUSSIAN-AMERICAN COMPANY FOR TWENTY YEARS FROM THIS DATE.

I. The Company founded for the exercise of industries on the mainland of Northwestern America, and on the Aleutian and Kurile Islands, shall be, as heretofore, under the protection of His Imperial Majesty.

II. It shall have the privilege of carrying on, to the exclusion of all other Russians, and of the subjects of foreign States, all industries connected with the capture of wild animals and all fishing industries, on the shores of North-western America which have from time immemorial belonged to Russia, commencing from the northern point of the Island of Vancouver, under 51° north latitude, to Behring Straits and beyond them, and on all the islands which belong to that coast, as well as on the others situated between it and the eastern shore of Siberia, and also on those of the Kurile Islands where the Company has carried on industries, as far as the southern extremity of the Island of Urup under 45° 50′.

III. It shall have the exclusive enjoyment of everything in that region which it has hitherto discovered, or which it may in future discover, either on the surface of the earth or in the earth.

IV. The Company may make discoveries within the limits defined above, and it is authorized to annex such newly-discovered places to the Russian dominions, provided they have not been occupied by any other European nation, or by citizens of the United States, and have not become dependencies of such foreign nation; but the Company may not found permanent settlements in such places unless authorized to do so by the Emperor.

V. Within the limits defined in section 2, the Company is authorized to found new settlements, and to construct works of defence at any point, should such be necessary, at its own discretion, and to enlarge and improve existing settlements or works of defence; it is permitted to send ships with men and merchandize to those places without hindrance.

VI. In order to insure to the Company the enjoyment of the exclusive rights granted to it, and to prevent for the future any interference or damage to it arising from the action of Russian subjects or of foreigners, Regulations are now drawn up regarding the manner in which those persons are to be dealt with who, either voluntary or under stress of circumstances, come to the places defined in section 2 of these privileges, in spite of the fact that they are prohibited from coming to them. These Regulations must be strictly observed both by the Company and by those authorities whom they may concern.

VII. The Company is authorized to communicate by sea with all neighbouring nations, and to trade with them, with the consent of their Governments, except in the case of the Chinese Empire, the shores of which the Company's ships are never to approach.

In regard to other nations, the Company's ships shall not have trade or other relations with them against the wish of their Governments.

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REGULATIONS ATTACHED TO THE UKASE OF SEPTEMBER 13, 1821.

[Extract from enclosure in Mr. Wilkins' No. 16 of December 11, 1835.] [a]

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III. In regard to those nations inhabiting the coasts of America, where the Company has established their Colony.

SECTION 57. The company, whose principal object is the catching of Sea-animals and wild beasts, shall not extend their searches to this effect to the interior of those Countries, on which coasts they practice the above catchings, and shall by no means meddle with oppression of the inhabitants, living along those coasts; and in case the Company should think it for their interest, to establish factories in some places of the American Continent in order to secure their commerce, they may do so after having acquired the consent of the Natives and shall do everthing in their power to maintain their arrangements and avoid everything that might create the suspicion or thought as if they intended to deprive them of their indepeindence.

SECTION 58. The Company is prohibited to demand gifts, dues, tribute or any such sacrifice from these people, equally during the time of peace, not to take any of the inhabitants by force out of their stock, if, agreeably to the existing custom, some will be delivered by their *Amanates*. These inhabitants delivered to the Colony, shall be properly treated and maintained, and the directors shall take particular care that they be not offended.

SECTION 59. In case it happens, that some of the Natives of the American Coast should wish to put up in the Russian Colonies, the Company shall grant their request, if no danger is likely to arise from it to the Colonies. The new settlers shall be enregistered in the number Islanders and shall enjoy the same rights and privileges as those.

* * * * * * *

UKASE OF MARCH 29, 1829, CONFIRMING CHARTER OF 1821.

IMPERIAL CHARTER GRANTED TO THE RUSSIAN AMERICAN COMPANY.—CONFIRMATION OF ITS RIGHTS AND PRIVILEGES.

By the helping grace of God, we, Nicholas the First, Emperor and Autocrat of all the Russias, etc., etc., etc.

As we regard as an object of our particular care the development in our Empire of every kind of industry and commerce, we have turned our Imperial attention to the Russian American Company. Since its very foundation it has been favored with the protection of our most august late father and brother, and during the twenty-eight years of its existence it has steadily pursued its object, has coöperated in the progress of navigation, has opened to our subjects new and rich sources of commerce and industry, and has brought to its shareholders considerable profits.

Wishing to show our august benevolence towards this institution of common profit and to give it a firm and stable basis, we take the Russian American Company under our immediate protection, and confirming by the force of this, our imperial charter, the rules, rights, and privileges granted to the Company by the supreme ukase of September 13, 1821, we order:

I. That the Company which was founded for industry on the mainland of North America, on the Aleutian Islands, and on the Kurile Islands and in all parts of the Northeastern Sea shall, under our supreme patronage, be called, as before the Russian American Company.,

II. The limits of navigation and industry of the Company are determined by the treaties concluded with the United States of America April 5, (17) 1824, and with England February 16, (28) 1825.

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[a] For Mr. Wilkin's No. 16, see *post*, page 246.

III. In all the places allotted to Russia by these treaties there shall be reserved to the Company the right to profit by all the fur and fish industries, to the exclusion of all other Russian subjects.

IV. The part that neighboring nations may take in these industries, as well as the nature of the coast relations with the Russian American Company, shall remain on the basis of these same treaties until new rules shall be published on this subject.

V. All the advantages and rights conceded to Russia by these treaties are granted to the Company, on which is also imposed the strict fulfillment of all the mutual obligations of Russia stipulated in these treaties.

VI. The internal administration of the affairs of the Company, its relations to the Government, the personnel and the duties of the supreme council of the chief administration of the directors of the Colonies, of the local agencies, and of the shareholders shall remain on the basis of the rules of September 13, 1821.

VII. All the articles of these rules and of the privileges published together with them, which are not limited by the aforesaid treaties, and which are not contrary to the ukase of October 14, 1827, concerning entrance into service, shall remain in full force and vigor in their full extent and for the whole time for which they were granted to the Russian American Company by our most august brother, the late Emperor Alexander the First.

In conclusion of this our Imperial charter, we order all our military and civil authorities and all our Government officers not only not to prevent the Russian American Company from availing itself of these rules and privileges granted to it by us, but in case of need to forewarn it of any damage or harm which may come to it, and to render all legal assistance and protection to its board of administration.

For the greater force of this charter which we have granted, we have signed it with our own hand and have ordered it to be strengthened by the affixing of our seal of the Empire.

Published by the Senate, March 29 (April 10), 1829.

UKASE OF OCTOBER 10, 1844, RENEWING PRIVILEGES OF THE RUSSIAN-AMERICAN COMPANY.

THIRD CHARTER OF THE RUSSIAN AMERICAN COMPANY.[a]

On the original is written in His Imperial Majesty's own hand:
"Be it thus."
Gatchina, October 10, 1844.

RIGHTS AND PRIVILEGES OF THE COMPANY.

I. The Russian American Company, established for trading on the continent of Northwestern America and on the Aleutian and Kuriles Islands as in every part of the Northeastern Sea, stands under the Highest protection of His Imperial Majesty.

II. The limits of the navigation and trade of the Company on the shore of the continent and on the islands of Northwestern America, are

[a] Related back to the year 1842. For Russian text see Tikhmenief, vol. II, first appendix, p. 11.

within the following line of demarcation between Russia, England, and America: Commencing with the southernmost point of the Island of Prince of Wales, which point is situated at 54° 40′ north latitude and between 131° and 133° west longitude (reckoning from the meridian of Greenwich), the above line runs northward along the straits named Portland Channel to that point of the mainland where it touches the 56th degree of north latitude. Hence the line of demarcation follows the crest of the mountains which stretch in a direction parallel with the coast to the crossing at the 141st degree of west longitude (from the same meridian), and finally, from this point of intersection, the same meridian of the 141st degree constitutes in its extension to the Arctic Sea the boundary of the Russian Possessions on the continent of Northwestern America.

III. In all places annexed to Russia by the above-mentioned delimitation there is granted to the Company the right to carry on the fur and fishing industries to the exclusion of all Russian subjects.

IV. The Company is permitted to hold and use all things heretofore found and hereafter to be found in those places, as well on the surface as in the bowels of the earth, without regard for any claim thereto on the part of others.

V. The Company is allowed in future according to necessity and its best judgment within the limits designated in Sec. 2, wherever it may be found necessary to establish new settlements and fortifications for safe habitation; and those formerly established may be extended and improved, the Company being allowed to send to those regions vessels carrying merchandise and laborers without any let or hindrance.

* * * * * * *

XXII. The rights and privileges granted to the Company shall be in force for twenty years, reckoning from the 1st of January of the year 1842.

XXIII. Upon the taking effect of this charter all previous provisions relating to the Company are repealed, and will preserve their force only as to matters arising before the promulgation of the constitution.

DIPLOMATIC CORRESPONDENCE RELATING TO THE TREATY OF 1824 BETWEEN THE UNITED STATES AND RUSSIA.

Mr. Middleton to Mr. Adams.

No. 9.] ST. PETERSBURG, *21 Sept. (3d Oct.), 1821.*

SIR: * * * In the same paper (the "Conservateur") is a notice of the principal dispositions of an ukase, under date of the 4th September, prohibiting all foreign vessels from trading with the Russian possessions on the NW. coast of America, some of which dispositions indeed appear to affect the interests of all maritime nations, but others more particularly trench upon the territorial pretensions of Great Britain. I shall endeavor to ascertain whether this latter power remonstrates, which is scarcely doubtful.

I enclose a copy of the latest Russian map of the NW. regions,[a] to which I have added a notice of the places where there are actual settlements upon the coast, according to the best information I have been able to obtain. It is understood that the Russ-American Northwest Company have lately had a renewal of their charter for 20 years, with additional privileges. I am now occupied in preparing a translation of the different ukases under which they hold their privileges, which shall be forwarded as soon as completed.

I have, etc.,

HENRY MIDDLETON.

Mr. Poletica to Mr. Adams.

[Translation.]

WASHINGTON, *January 30 [February 11], 1822.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russians, in consequence of orders which have lately reached him, hastens herewith to transmit to Mr. Adams, Secretary of State in the Department of Foreign Affairs, a printed copy of the regulations adopted by the Russian-American Company, and sanctioned by His Imperial Majesty, relative to foreign commerce in the waters bordering the establishments of the said company on the northwest coast of America.[b]

The undersigned conceives it to be, moreover, his duty to inform Mr. Adams that the Imperial Government, in adopting the regulation, supposes that a foreign ship, which shall have sailed from a European

[a] See map No. 6 in Atlas accompanying the Case of the United States.

[b] The ukase and regulations enclosed will be found *ante* page 25.

port after the 1st of March, 1822, or from one of the ports of the United States after the 1st of July of the same year, can not lawfully pretend ignorance of these new measures.

The undersigned, etc.,

PIERRE DE POLETICA.

Mr. Adams to Mr. Poletica.

DEPARTMENT OF STATE,
Washington, February 25, 1822.

SIR: I have the honor of receiving your note of the 11th instant, inclosing a printed copy of the regulations adopted by the Russian-American Company, and sanctioned by His Imperial Majesty, relating to the commerce of foreigners in the waters bordering on the establishments of that company upon the northwest coast of America.

I am directed by the President of the United States to inform you that he has seen with surprise, in this edict, the assertion of a territorial claim on the part of Russia, extending to the fifty-first degree of north latitude on this continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim is made to apply. The relations of the United States with His Imperial Majesty have always been of the most friendly character; and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been arranged by treaty between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

This ordinance affects so deeply the rights of the United States and of their citizens that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations contained in it.

I avail, etc.,

JOHN QUINCY ADAMS.

The Chevalier de Poletica to the Secretary of State.

[Translation.]

WASHINGTON, *February 28, 1822.*

SIR: I received two days since the letter which you did me the honour to address to me on the same day, by order of the President of the United States, in answer to my note of the 11th current, by which I discharged the orders of my Government in communicating to you the new regulation adopted by the Russian-American Company, and sanctioned by His Majesty the Emperor, my august Sovereign, on the 4th (16th) September, 1821, relative to foreign commerce in the waters which border upon the establishments of the said company on the northwest coast of America.

Readily yielding, sir, to the desire expressed by you in your letter of knowing the rights and principles upon which are founded the determinate limits of the Russian possessions on the northwest coast of America from Behring Strait to the 51st degree of north latitude, I am happy to fulfil this task by only calling your attention to the following historical facts, the authenticity of which cannot be contested. The first discoveries of the Russians on the northwest continent of America go back to the time of the Emperor Peter I. They belong to the attempt, made towards the end of the reign of this great Monarch, to find a passage from the icy sea into the Pacific Ocean.

In 1728 the celebrated Captain Behring made his first voyage.

The recital of his discoveries attracted the attention of the Government, and the Empress Anne intrusted to Captain Behring (1741) a new expedition in these same latitudes. She sent with him the Academicians Gmelin, Delile de la Crayere, Müller, Steller, Fischer, Krasilnicoff, Kræcheninicoff, and others; and the first chart of these countries which is known was the result of their labours, published in 1758. Besides the strait which bears the name of the chief of this expedition, he discovered a great part of the islands which are found between the two continents. Cape or Mount St. Elias, which still bears this name upon all the charts, was so called by Captain Behring, who discovered it on the day of the feast of this saint; and his second, Captain Tchiricoff, pushed his discoveries as far as the 49th degree of north latitude.

The first private expeditions undertaken upon the northwest coast of America go back as far as the year 1743.

In 1763 the Russian establishments had already extended as far as the island of Kodiak (or Kichtak). In 1778 Cook found them at Ounalaska, and some Russian inscriptions at Kodiak. Vancouver saw the Russian establishment in the Bay of Kinai. In fine, Captains Mirs, Portlock, La Peyrouse, unanimously attest the existence of Russian establishments in these latitudes.

If the Imperial Government had at the time published the discoveries made by the Russian navigators after Behring and Tchiricoff, viz, Chlodiloff, Serebreanicoff, Krasilnicoff, Paycoff, Poushcareff, Lazereff, Medwedeff, Solowieff, Lewasheff, Kremtsin, and others, no one could refuse to Russia the right of first discovery, nor could even any one deny her that of first occupation.

Moreover, when D. José Martinez was sent in 1789 by the Court of Madrid to form an establishment in Vancouver's Island and to remove foreigners from thence, under the pretext that all that coast belonged to Spain, he gave not the least disturbance to the Russian colonies and navigators. Yet the Spanish Government was not ignorant of their existence, for this very Martinez had visited them the year before. The report which Captain Malespina made of the results of his voyage proves that the Spaniards very well knew of the Russian colonies; and in this very report it is seen that the Court of Madrid acknowledged that its possessions upon the coast of the Pacific Ocean ought not to extend to the north of Cape Blanc, taken from the point of Trinity, situated under 42° 59′ of north latitude.

When in 1799 the Emperor Paul I granted to the present American Company its first charter, he gave it the exclusive possession of the northwest coast of America, which belonged to Russia, from 55th degree of north latitude to Behring Straits. He permitted them to extend their discoveries to the south, and there to form establish-

ments, provided that they did not encroach upon the territory occupied by other powers.

This act, when made public, excited no claim on the part of other cabinets, not even on that of Madrid, which confirms that it did not extend its pretensions to the 60th degree.

When the Government of the United States treated with Spain for the cession of a part of the northwest coast it was able to acquire, by the treaty of Washington, the right to all that belonged to the Spaniard north of the 42nd degree of latitude; but this treaty says nothing positive concerning the northern boundary of this cession, because, in fact, Spain well knew that she could not say that the coast as far as the 60th degree belonged to her.

From this faithful exposition of known facts it is easy, sir, as appears to me, to draw the conclusion that the rights of Russia to the extent of the northwest coast specified in the regulation of the Russian-American Company rest upon the three bases required by the general law of nations and immemorial usage among nations—that is, upon the title of first discovery; upon the title of first occupation; and, in the last place, upon that which results from a peaceable and uncontested possession of more than half a century—an epoch, consequently, several years anterior to that when the United States took their place among independent nations.

It is, moreover, evident that, if the right to the possession of a certain extent of the northwest coast of America claimed by the United States only devolves upon them in virtue of the treaty of Washington, 1819 (and I believe it would be difficult to make good any other title), this treaty could not confer upon the American Government any right of claim against the limits assigned to the Russian possessions upon the same coast, because Spain herself had never pretended to such a right.

The Imperial Government, in assigning for limits to the Russian possessions on the northwest coast of America, on the one side Behring Straits and on the other the 51st degree of north latitude, has only made a moderate use of an incontestable right, since the Russian navigators, who were the first to explore that part of the American Continent in 1741, pushed their discovery as far as the 49th degree of north latitude. The 51st degree, therefore, is no more than a mean point between the Russian establishment of New Archangel, situated under the 57th degree, and the American colony at the mouth of the Columbia, which is found under the 46th degree of the same latitude.

All these considerations united have concurred in inspiring the Imperial Government with an entire conviction that, in the last arrangements adopted in Russia relative to her possessions on the northwest coast, the legitimate right of no foreign power has been infringed. In this conviction the Emperor, my august sovereign, has judged that his good right, and the obligation imposed by Providence upon him to protect with all his power the interests of his subjects, sufficiently justified the measures last taken by His Imperial Majesty in favour of the Russian-American Company, without its being necessary to clothe them with the sanction of treaties.

I shall be more succinct, sir, in the exposition of the motives which determined the Imperial Government to prohibit foreign vessels from approaching the northwest coast of America belonging to Russia within the distance of at least 100 Italian miles. This measure, how-

ever severe it may at first view appear, is, after all, but a measure of prevention. It is exclusively directed against the culpable enterprises of foreign adventurers, who, not content with exercising upon the coasts above mentioned an illicit trade, very prejudicial to the rights reserved entirely to the Russian-American Company, take upon them besides to furnish arms and ammunition to the natives in the Russian possessions in America, exciting them likewise, in every manner, to resistance and revolt against the authorities there established.

The American Government doubtless recollects that the irregular conduct of these adventurers, the majority of whom was composed of American citizens, has been the object of the most pressing remonstrances on the part of Russia to the Federal Government from the time that diplomatic missions were organized between the two countries. These remonstrances, repeated at different times, remain constantly without effect, and the inconvenience to which they ought to bring a remedy continues to increase.

The Imperial Government, respecting the intentions of the American Government, has always abstained from attributing the ill success of its remonstrances to any other motives than those which flow, if I may be allowed the expression, from the very nature of the institutions which govern the national affairs of the American Federation. But the high opinion which the Emperor has always entertained of the rectitude of the American Government can not exempt him from the care which his sense of justice toward his own subjects imposes upon him. Pacific means not having brought any alleviation to the just grievances of the Russian-American Company against foreign navigation in the waters which environ their establishments on the northwest coast of America, the Imperial Government saw itself under the necessity of having recourse to the means of coercion and of measuring the rigour according to the inveterate character of the evil to which it wished to put a stop. Yet it is easy to discover, on examining closely the last regulation of the Russian-American Company, that no spirit of hostility had anything to do with its formation. The most minute precautions have been taken in it to prevent abuses of authority on the part of commanders of Russian cruisers appointed for the execution of said regulation. At the same time, it has not been neglected to give all the timely publicity necessary to put those on their guard against whom the measure is aimed.

Its action therefore can only reach the foreign vessels which, in spite of the notification, will expose themselves to seizure by infringing upon the line marked out in the regulation. The Government flatters itself that these cases will be very rare; if all remains as at present—not one.

I ought, in the last place, to request you to consider, Sir, that the Russian possessions in the Pacific Ocean extend on the northwest coast of America from Behring Straits to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent from the same strait to the 45th degree. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to shut seas ("mers fermées"); and the Russian Government might consequently judge itself authorized to exercise upon this sea the rights of sovereignty, and especially that of interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking advantage of localities.

The Emperor, my august sovereign, sets a very high value upon the maintenance of the relations of amity and good understanding which have till now subsisted between the two countries. The dispositions of His Imperial Majesty in this regard have never failed appearing at all times when an occasion has presented itself in the political relations of the United States with the European powers; and, surely, in the midst of a general peace, Russia does not think of aiming a blow at the maritime interests of the United States—she who has constantly respected them in those difficult circumstances in which Europe has been seen to be placed in the latter times, and the influence of which the United States have been unable to avert.

I avail, &c.

(Signed) PIERRE DE POLETICA.

Mr. Adams to M. de Poletica.

DEPARTMENT OF STATE,
Washington, March 30, 1822.

SIR: I have had the honour of receiving your letter of the 28th ultimo, which has been submitted to the consideration of the President of the United States.

For the deduction which it contains of the grounds upon which Articles of Regulation of the Russian-American Company have now, for the first time, extended the claim of Russia on the northwest coast of America to the 51st degree of north latitude, its only foundation appears to be the existence of the small Settlement of Novo Archangelsk, situated, not on the American Continent, but upon a small island in latitude 57°; and the principle upon which you state that this claim is now advanced is that the 51st degree is *equidistant* from the Settlement of Novo Archangelsk and the establishment of the United States at the mouth of the Columbia River; but from the same statement it appears that, in the year 1799, the limits prescribed by the Emperor Paul to the Russian-American Company were fixed at the 55th degree of latitude, and that, in assuming now latitude of 57°, a new pretension is asserted, to which no settlement made since the year 1799 has given the colour of a sanction.

This pretension is to be considered not only with reference to the question of territorial rights, but also to that prohibition to the vessels of other nations, including those of the United States, who approach within 100 Italian miles of the coast. From the period of the existence of the United States as an independent nation their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90 degrees of longitude, or 4,000 miles.

As little can the United States accede to the justice of the reason assigned for the prohibition above mentioned. The right of the citizens of the United States to hold commerce with aboriginal natives of

the northwest coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas. That right has never been exercised in a spirit unfriendly to Russia; and although general complaints have occasionally been made on the subject of this commerce by some of your predecessors, no specific ground of charge has ever been alleged by them of any transaction in it which the United States were, by the ordinary laws and usages of nations, bound either to restrain or to punish. Had any such charge been made, it would have received the most pointed attention of this Government, with the sincerest and firmest disposition to perform every act and obligation of justice to yours which could have been required.

I am commanded by the President of the United States to assure you that this disposition will continue to be entertained, together with the earnest desire that the most harmonious relations between the two countries may be preserved.

Relying upon the assurance in your note of similar dispositions reciprocally entertained by His Imperial Majesty towards the United States, the President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights.

I am, &c., (Signed) JOHN QUINCY ADAMS.

Chevalier de Poletica to Mr. Adams.

[Translation.]

WASHINGTON, *2 April (21 March), 1822.*

SIR: I had the honor yesterday to receive the letter which you were pleased to address to me, dated 30 March last (n. -st.), and not being authorized to continue the discussion to which it refers, I find myself under the necessity of taking the contents of that letter ad referendum, reserving myself to communicate it to my Government as soon as possible.

In the meantime I shall take the liberty of submitting to your consideration some observations which have been suggested to me by certain passages in your letter which require particular notice.

In the first official letter which I had the honor of addressing to you, dated 16/28 February last, I thought I had succeeding in clearly demonstrating that the rights of Russia to the possession of a certain extent of the northwest coast of America—as far as these rights can be rendered legitimate by the first discovery, the first occupation, and a possession not contested for more than half a century—that these rights, I say, go back to times considerably earlier than the reign of the Emperor Paul I.

When this sovereign granted, in 1799, to the Russian-American Society its first charter of incorporation, there had never been a question about abandoning to that company the right of sovereignty over one determinate portion of the northwest coast of America in all its plenitude. The question was purely and simply of conceding to the said company a part of the sovereignty, or rather certain exclusive

privileges of commerce, and it is in this view that the act of 1799, to which you refer, sir, fixed the limits of the operations of the Russian-American Company.

The rights of sovereignty belonging to Russia could lose nothing of their local extent in consequence of the concessions made to that company in the reign of the Emperor Paul. That these rights extended in the opinion of the Imperial Government farther south than the 55th degree of latitude appears evident from the structure of the 3d article of the act of incorporation, which authorizes the company to form establishments south of the 55th degree of north latitude.

But what will dispel even the shadow of doubt in this regard is the authentic fact that in 1789 the Spanish packet St. Charles, commanded by Captain Haro, found in the latitude 48 and 49 Russian establishments to the number of 8, consisting in the whole of 20 families and 462 individuals. These were the descendants of the companions of Captain Tehiricoff, who were supposed till then to have perished.

With such titles justifying the rights claimed by Russia, you yourself, sir, will agree that it is perfectly immaterial whether the Russian establishment at Novo Archangelsk be small or large. If the rights of territorial possession were measured according to the dimensions of the points occupied, what would become of those of the United States upon a very considerable extent of the same northwest coast? For the only American establishment ever yet known is certainly very inferior in stability to that of Russia at Novo Archangelsk.

In the same manner the great extent of the Pacific Ocean at the 51° of latitude cannot invalidate the right which Russia may have of considering that part of the ocean as close. But as the Imperial Government has not thought fit to take advantage of that right, all further discussion on this subject would be idle.

As to the right claimed for the citizens of the United States of trading with the natives of the country of the northwest coast of America without the limits of the jurisdiction belonging to Russia, the Imperial Government will not certainly think of limiting it and still less of attacking it there. But I cannot dissemble, sir, that this same trade beyond the 51st degree will meet with difficulties and inconveniences for which the American owners will only have to accuse their own imprudence after the publicity which has been given to the measures taken by the Imperial Government for maintaining the rights of the Russian-American Company in their absolute integrity.

I shall not finish this letter without repeating to you, sir, the very positive assurance, which I have already had the honour once of expressing to you, that in every case where the American Government shall judge it necessary to make explanations to that of the Emperor, the President of the United States may rest assured that these explanations will be always attended to by the Emperor, my august sovereign, with the most friendly and consequently with the most conciliatory dispositions.

Be pleased to accept, sir, the assurance of my high consideration.

PIERRE DE POLETICA.

Mr. Adams to Mr. Middleton.

No. 12.] DEPARTMENT OF STATE,
Washington, 13 May, 1822.

SIR: * * * You will receive with this letter a printed copy of the documents communicated to the House of Representatives in answer to a resolution calling for information respecting the Imperial ukase relative to the northwest coast of America, to which will be added copies of a letter to the Chevalier de Poletica, written subsequently to the communication to Congress, and immediately before his departure from this place, and of his answer.

From these papers you will perceive the interest which has been excited here by the decree, which is universally considered as unwarranted by the laws of nations and as derogatory to the rights of the United States, both on the assumption for the first time of the 51st degree of north latitude, and in the interdiction of the vessels of other nations than Russia to approach within 100 Italian miles of the coast. You will not fail to impress these ideas upon the Russian Government in your communications with them, and particularly to insist upon the revocation of any orders, if any have been given, to the commanders of the Russian armed vessels in those seas which infringe upon the unquestionable rights of our navigators.

There is no doubt that vessels of the United States which will sail from their ports after the first of July next, the time notified as that after which the Imperial ordinance will be carried into effect, will approach within 100 Italian miles of the coast, and if they should be molested the excitement in this country will be very great. It will be deeply lamented by the President not only as an example of encroachment upon the freedom of the seas by a power which we have relied upon as among the most strenuous vindicators of their liberty, but as countenancing and even outstripping the doctrines of those who are led by the possession of predominant power upon that element to seek apologies for the abuse of it in the practice of other nations more interested in the support of the common rights of all. The grounds alleged by Mr. Poletica in support of the provisions of the ukase are certainly untenable, and we cannot believe that either they or the boundary will be insisted on by the Russian Government. At all events you will, with all the delicacy which the amicable relations between the two Governments will require, and all the mitigations which the most conciliatory forms can give to a determined purpose, make it most distinctly to be understood that the United States cannot for a moment acquiesce in those regulations, and that they will never admit that they can in any manner impair their rights, or those of their citizens.

The Chevalier de Poletica has himself kindly offered to be the bearer of this letter. He returns home upon leave of absence, but without expectation of visiting this country again. His relations with this Government have always been friendly, respectful, and in many instances confidential. On taking leave of the President he declared that he was instructed to express the continuance of the most amicable sentiments of the Emperor towards the United States, of which the President assured him of his high gratification and a cordial return. Mr. Poletica's conduct during his residence here has deserved the

esteem and approbation of the President, which he wishes you to make known in a suitable manner to the Imperial Government.

I am, etc.,

JOHN QUINCY ADAMS.

Board of administration of Russian-American Company to chief manager of the Russian-American colonies.

[Received on the frigate *Kreiser*, September 3, 1823.]

No. 481. Secret.] JULY 31, 1822.

You will see from the inclosed copy of a letter from the ministry (of finance), and the observations of this board thereon, that England and the United States are raising objections to the privileges granted to the colonies and to the Maritime Regulations; to the former because our Government have fixed the boundary at 51 degrees, and to the latter because foreign ships are forbidden to come within 100 miles of our colonies.

In view of these pretensions, His Imperial Majesty has been pleased to instruct the Russian minister to the United States to agree with that Government upon the measures necessary to be adopted in order to prevent any further dispute. If you should have any discussion with the foreigners on these subjects, you will be guided by the inclosed papers. At the same time, this board has to inform you, in connection with these matters, that His Imperial Majesty has been pleased to instruct the commander of the frigate *Kreiser*, which is now on its way to you, through the naval head of the general staff, not to apply the 100-mile rule too strictly; accordingly, if he found a foreign ship nearer than that distance he would act with regard to it as laid down in the Maritime Regulations.

VENEDICT KRAMER.
ANDREI SEVERIN.
ZELENSKY,
Chief clerk.

[Inclosure in No. 481.]

Offices of the ministry of finance, 2nd division, 3rd table, to the chief manager of the Russian-American Company.

[Received July 18, 1822.]

No. 938. Secret.] JULY 18, 1822.

The head of the ministry of foreign affairs has informed me that, on our Government communicating to the cabinets of London and Washington the regulations for the limits of navigation, and for communication by sea along the shores of eastern Siberia, northwestern America, and the Aleutian, Kurile, and other islands, approved by His Imperial Majesty on the 4th September, 1821, the English and North American Governments made representations against what they term the extension of our dominions, as well as against the rules forbidding foreign ships to come within 100 Italian miles of the above-mentioned places.

On these representations being reported to the Emperor, His Imperial Majesty, being anxious to do all in his power to preserve the best understanding in his relations with foreign powers, and especially wishing to prevent the occurrence of conflicts between Russian and American ships, which might lead to unpleasantness, was pleased to give instructions to the department of the navy in accordance with these

views, in connection with the sending of two ships this year to the northwest coast of America. His Imperial Majesty at the same time gave orders for the following steps to be taken meanwhile:

1. Baron Tuyll von Seroskerken is to be appointed imperial Russian envoy extraordinary and minister plenipotentiary to the United States of North America in place of M. Poletica, and is to proceed to Washington, without delay, to concert with the American Government measures to be taken by common consent to prevent any further dispute on the subject of the extent of the respective jurisdictions of Russia and the United States on the northwest coast of America, to put an end to the complaints of our American colonies of the proceedings of certain citizens of the United States, and by this means to make it unneccessary to enforce to their full extent the regulations of the 4th September, 1821, which we should otherwise have to apply rigorously.

2. In order that Baron Tuyll may be enabled the more easily to carry out the mission intrusted to him, the Russian-American Company are to furnish me as soon as possible with a statement of the measures which we might call upon the Government of the United States of America to take in order that the sources from which the company derive their revenue may not suffer and in order that the native inhabitants of those regions may not disturb our settlements by carrying on prohibited trade. These measures should be of such a nature as to make it unnecessary for us any longer to insist on the distance stated in the rules of the 4th September, 1821, to be that within which no foreign ship may come, and such as to enable us to confine ourselves to exercising a control over such an extent of water only as is by common custom considered to be under the jurisdiction of any power which has possession of the seaboard, and to introducing on the coast such a system of surveillance as may be found necessary for the protection of our territory from attack and for the prevention of illicit trading.

In communicating to me the Emperor's orders in this matter, the head of the foreign office desires that the company's statement may be accompanied by an accurate acount of the localities where the Russian-American Company has hitherto exercised the right of hunting, fishing, and trading, as well as an indication of the parallel of latitude which can be fixed as the furthest limit of our dominions, without giving rise to remonstrances and pretensions such as those which have lately been evoked.

The head of the foreign office adds that when the charter granted to the Russian-American Company in 1799 fixed as this boundary the 55th degree of latitude north and gave permission to the company to establish new stations even south of this line, except in places belonging to other powers, no foreign government objected to these two points, but that on the other hand it appears that two English companies, the Northwest Company and the Hudson's Bay Company, have long had trading stations established on the northwest coast of the American continent, beginning from 54° north latitude and extending, according to some accounts, to 56°.

Under these circumstances, Privy Councillor Count Nesselrode thinks that it would be useful if the Russian-American Company would communicate all the information in its possession with regard to the existence of these stations and the time of their establishment, as he considers such information indispensable in order to avoid claims being advanced by England when we proceed with the United States to the delimitation of our respective territories.

In bringing what is stated above to the notice of the board of administration of the Russian-American Company, in accordance with the Emperor's orders, I have to request it to supply, without delay and in sufficient detail, the information required from it, in order that a firm basis of fact may be established on which to found the instructions to be sent to Baron Tuyll, with a view to the defence of our territory against unfounded claims and injurious attempts on the part of foreigners, and to the protection of the interests of the Russian-American Company, in accordance with the aims which the Government had before it when drawing up the charter granted to the company and the regulations approved by His Imperial Majesty on the 4th September, 1821.

Count D. GURIEF,
Minister of Finance.
Y. DRUSHININ,
Director

A true copy:
The CHIEF CLERK.

Mr. Middleton to Mr. Adams.

No. 23.] ST. PETERSBURG, *August 8, 1822.*

SIR: I am desirous of giving you a full account of what has occurred here upon the subject of the N. W. contestation, because I conceive it to be important, on account of the impending negotiation upon that subject, that you should be furnished with all the information attainable respecting the views and feelings of this Government upon it; and also because I wish you to understand the reason of the very moderate tone of the note I presented upon receipt of the instructions contained in your No. 12.

Having premised this much, I proceed to state that from the time of the publication of the ukase respecting the N. W. trade, although I refrained from taking any official steps until I should receive instructions so to do, yet I omitted no proper occasion of making known my private opinion upon that subject in conversation with the secretaries and with all such persons as I knew were habitually consulted upon questions of a similar nature. To Mr. Speransky, governor-general of Siberia, who had been one of the committee originating this measure, I stated my objections at length. He informed me that the first intention had been (as Mr. Poletica afterwards wrote you) to declare the northern portion of the Pacific Ocean as *mare clausum*, but that idea being abandoned, probably on account of its extravagance, they determined to adopt the more moderate measure of establishing limits to the maritime jurisdiction on their coasts, such as should secure to the Russian American Fur Company the monopoly of the very lucrative traffic they carry on. In order to do this they sought a precedent and found the distance of 30 leagues, named in the treaty of Utrecht, and which may be calculated at about 100 Italian miles, sufficient for all purposes. I replied ironically that a still better precedent might have been pointed out to them in the papal bull of 1493, which established as a line of demarcation between the Spaniards and Portuguese a meridian to be drawn at the distance of 100 miles west of the Azores, and that the expression "Italian miles" used in the ukase very naturally might lead to the conclusion that this was actually the precedent looked to. He took my remarks in good part, and I am disposed to think that this conversation led him to make reflections which did not tend to confirm his first impressions, for I found him afterwards at different times speaking confidentially upon the subject.

For some time past I began to perceive that the provisions of the ukase would not be persisted in. It appears to have been signed by the Emperor without sufficient examination, and may be fairly considered as having been surreptitiously obtained. There can be little doubt, therefore, that with a little patience and management it will be molded into a less objectionable shape. But in this, as in other matters, the *revocare gradum* is most difficult. Since the receipt of your dispatch No. 12 I have had several conferences with the secretaries of state and we have discussed fully and freely *the state of the question* as left by Mr. Poletica with your letter unanswered in his pocket. At length, on the morning of the 24th of July, having learned that preparation was making for the departure of the Emperor for Vienna, I had a conversation with Count Capodistrias, in which I informed him that I intended to ask a formal interview with Count Nesselrode before his departure, for the purpose of taking up this subject and urging some

decision upon it, as I never had been able to ascertain officially whether the offensive provisions of the ukase would be revoked. I felt the more anxious, too, because I had learned that a Russian frigate was shortly to sail for the N. W. coast. I informed him further that I had prepared a *note verbale* to leave with Count Nesselrode, which I begged to be permitted to read to him (Count Capodistrias), as I was well assured of his anxious desire that all things should go on smoothly between us. (See paper No. 1.)

After hearing this paper with attention he said to me: "Puisque vous me faites l'honneur de me consulter, je vous dirai franchement mon avis. Si vous voulez que la chose s'arrange, ne donnez point votre note—l'Empereur a déjà eu le bon esprit de voir que cette affaire ne devrait pas être poussée plus loin. Nous sommes disposés à ne pas y donner de suite. Les ordres pour nos vaisseaux de guerre seront bornés à empêcher la contrebande dans les limites reconnues par les autres puissances, en prenant nos établissemens actuels pour base de ces opérations. De cette manière, il n'y aura pas de complication pour entraver la négociation que pourra entamer M. le Baron de Tuyll dès son arrivée à Washington. Si vous dites que vous faites protestation, vous ferez du tort à la négociation; il ne faut pas non plus faire l'insinuation que nous ayons avancé une injuste prétention, même en nous complimentant sur notre politique passée; il ne faut pas nous sommer de révoquer des ordres donnés; nous ne révoquons pas; nous ne nous rétractons pas. Mais dans le fait il n'y a pas d'ordres donnés qui autorisent ce que vous craignez."[a]

After much discussion I acquiesced in the solidity of the reasons for not delivering my note, and immediately wrote to Count Nesselrode asking an interview, which was granted for the 27th day of the month.

At that conference I talked over the matter with the two secretaries of state and brought fully to their view the substance of the instructions upon the ukase of the 4th September last, insisting upon the necessity of this Government suspending the execution of those regulations which violate the general right of navigating within the common jurisdiction of all nations, and declaring that the territorial pretension advanced by Russia must be considered as entirely inadmissible by the United States until the conflicting claims shall have been settled by treaty. I received verbal assurances that our wish in both respects will be complied with, and that it is the intention of the Emperor that Baron Tuyll shall be furnished with full powers to adjust all controversies upon the subject of trade and territory upon the N. W. coast. "Mais en attendant," said Ct. Capodistrias, "votre gouvernment voudra bien défendre à ses sujets le commerce dans les limites sujettes

[a] [Translation.]—After hearing this paper with attention he said to me: Since you do me the honor to consult me, I will frankly tell you my opinion. If you wish the affair arranged, do not present your note. The Emperor has already had the good sense to see that this affair should not be pushed too far. We are disposed not to follow it up. The orders to our war vessels will be limited to the prevention of the contraband trade within the limits recognized by the other powers, taking our present establishments as a basis for these operations. In this way there will be no complication to embarrass the negotiation which may be commenced by Baron de Tuyll on his arrival at Washington.

If you say that you protest, you will do harm to the negotiation; nor should you insinuate that we have advanced an unjust claim, even while complimenting us on our past policy; you should not demand that we revoke the orders we have issued. We will not revoke them; we will not draw back; but in fact no orders have been issued which authorize your apprehension.

à contestation." In answer to this apostrophe I represented that this could not possibly be done without admitting the exclusive rights of Russia, and that until those should be made manifest our Government has no authority to inhibit its citizens from exercising their free industry within the limits sanctioned by the laws of their country and of nations.

I thought it necessary to give official form to these verbal communications, and upon stating this to the secretaries *it was agreed* that I should simply *ask to be informed what was intended* by the Imperial Government, and they promised that the answer should be satisfactory. Immediately on my return home I penned the note No. 2, and received in answer, upon the first of this month, that numbered 3.

I have, etc.,

HENRY MIDDLETON.

P. S.—A Russian frigate of 44 guns and 120 men, commanded by Capt. Lieut. Lazaroff, sailed about the 1st of August (O. S.), in company with a Norse ship, bound for the N. W. coast.

The SECRETARY OF STATE OF THE UNITED STATES.

ST. PETERSBURG, *August 8/20*, 1822.

[Inclosure No. 1—Prepared, but not delivered.]

Note verbale.

The correspondence of the Russian envoy in the United States of America with the Secretary of State of that Government has probably given the Imperial Government a sufficient knowledge of the weighty reasons that have induced the Government of the said States to protest against the changes made in the regulations governing foreign commerce in those parts of the Russian possessions that are situated on the Pacific coast.

If all the powers, and especially commercial nations, are interested in the maintenance of maritime rights unimpaired, it is not to be doubted that the President of the United States has learned with the deepest concern that the aforesaid regulations have been sanctioned by a power which has long been fondly regarded as a protector of the freedom of navigation against all unjust pretensions; for he must, with reason, fear the influence of such an example, and must also fear lest nations possessing preponderating power at sea may avail themselves thereof to justify abuses of power by the example of those which should be most interested in upholding the universal rights of nations.

Since the President can not close his eyes to the fact that public opinion is greatly opposed to these regulations, and is fully convinced that it is quite impossible for the United States Government to acquiesce in them, he has thought proper, not only in view of his feelings of friendship for His Majesty the Emperor of all the Russias, but of the uprightness of intention of which he is conscious, and of the frankness which he uses on all occasions, not to leave the Imperial Government in uncertainty with regard to his determination to uphold the rights and interests of his fellow-citizens, and to insist that the United States and their subjects shall still have, as they have had in the past, full liberty to sail in the Pacific Ocean and off the coasts of the neighboring countries within the limits recognized by the law of nations.

A careful perusal of the correspondence which has recently been exchanged at Washington in relation to the aforesaid regulations can not fail to show that a state of war between the two powers exists already, owing to the principles that have been avowed on both sides. Nothing is lacking to make this complete except a declaration or acts of violence, which latter can not be long in coming, unless precautionary measures be at once taken.

It is especially owing to this circumstance that the departure of Mr. Poletica without having been authorized to enter upon a discussion of our mutual rights and duties is to be regretted.

Under present circumstances it is very desirable that there should be a suspension of the territorial claims of Russia to the border regions of the United States, without prejudice to the respective rights of the powers interested, until the settlement of the boundaries by a treaty, but it is especially necessary, for the avoidance of any complications that might arise through hostilities, that the Russian Government should abstain from putting into execution the measures ordered by the ukase of September 4, 1821, and that it should consent to revoke the orders issued to its vessels of war, if any such have been issued, authorizing those measures to be put into execution.

In the fear of jeopardizing more important interests than those just now under consideration, and in order not to run any risks that foresight may prevent, the undersigned deems it his duty to make this representation, and he earnestly hopes that the Imperial Government will see, and will avert by acting upon these suggestions, the dangers which threaten to disturb the good understanding which so happily exists between the two countries.

(Signed) H'Y MIDDLETON.

ST. PETERSBURG, *July 24th, 1822.*

[Inclosure No. 2.]

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to call the attention of his excellency the secretary of state, Count Nesselrode, to the correspondence which has recently taken place between the envoy of Russia in the United States and the Secretary of State of the United States.

The correspondence has probably sufficiently made known the reasons which the United States have alleged for not agreeing to the regulations adopted by the Russian American Company for the government of foreign commerce in those parts of their possessions that are on the Pacific coast.

Mr. Poletica's departure from the United States without having been authorized to enter more fully upon the discussion of our reciprocal rights and duties is to be regretted exceedingly, because the divergence of the opinions avowed on both sides may give rise, by its duration, to acts of violence which will occasion annoying complications.

In the meantime the undersigned deems it his duty to inquire what the intentions of the Imperial Government are as regards the measures to be adopted for the avoidance of the complications which would be the outcome of the peremptory execution of the aforesaid regulations.

The undersigned flatters himself that the Imperial Government will regard this step simply as the result of his earnest desire to avert the dangers which might threaten to disturb the good understanding which so happily exists between the two powers, and, awaiting a favorable reply, he has the honor to renew to his exellency the secretary of state the assurance of his high consideration.

(Signed) H'Y MIDDLETON.

ST. PETERSBURG, *July 27th, 1822.*

[Inclosure No. 3.]

The undersigned secretary of state, acting minister of foreign affairs, hastened to lay before the Emperor the note which Mr. Middleton, envoy extraordinary and minister plenipotentiary of the United States of America, addressed to him on the 27th ultimo, calling the attention of the Imperial ministry to the correspondence which has passed between the envoy of Russia at Washington and the United States Government, with regard to certain clauses of the regulations issued September 4/16, 1821, which were designed to protect the interests of Russian commerce on the northwest coast of North America.

Being actuated by the constant desire to maintain in all their integrity the friendly relations existing between the court of Russia and the United States Government, the Emperor has been pleased to forestall the wishes which have just been made known to him. Major-General Baron de Tuyll, who has been appointed to the post that was filled by Mr. de Poletica, received orders to devote himself to the important task which his predecessor would have performed had the state of his health allowed him to prolong his stay in America.

Having no doubt of the friendly disposition which will be manifested by the American Government in the negotiations which are about to be set on foot by

General Tuyll, and feeling assured in advance that, by a series of these same negotiations, the interests of the commerce of the Russian American Company will be preserved from all injury, the Emperor has caused the vessels of the Imperial navy which are about to visit the northwest coast to be furnished with instructions which are very much in keeping with the object that both Governments desire to attain, by mutual explanations, in a spirit of justice, harmony, and friendship.

Having thus removed, so far as he is concerned, everything that might have given rise to the acts of violence which the American Government seems to have been long apprehending, His Imperial Majesty trusts that the President of the United States will in turn adopt such measures as his wisdom may suggest to him as best adapted to rectify all those errors, that have been intensified by that malevolence which seeks to misconstrue intentions and jeopardize the amicable relations of the two Governments.

As soon as the shippers and merchants of the United States shall become convinced that the questions which have arisen in connection with the regulations of September 4/16 are receiving attention, and that it is firmly purposed to bring them to a decision that shall be mutually satisfactory, under the auspices of justice and of our unalterable friendship, then will it be impossible for the surveillance which the vessels of the Imperial navy going to the northwest coast of America are directed by the new instructions to exercise there ever to give rise to unpleasant complications.

The undersigned, entertaining this conviction, which will doubtless be shared by Mr. Middleton, has but to add to the communications which he has been ordered to make in reply to the note of July 27th the assurance of his very distinguished consideration.

(Signed) NESSELRODE.

ST. PETERSBURG, *August 1st, 1822.*

Baron Tuyll to Mr. Adams.

[Translation.]

WASHINGTON, *April 12 (24), 1823.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias near the United States of America, has had the honor to express to Mr. Adams, Secretary of State, the desire of the Emperor, his master, who is ever animated by a sincere friendship towards the United States, to see the discussions that have arisen between the cabinets of St. Petersburg and Washington, upon some provisions contained in the ukase of the 4th (16th) of September, 1821, relative to the Russian possessions on the northwest coast of America, terminated by means of friendly negotiation.

These views of His Imperial Majesty coincide with the wish expressed some time since on the part of the United States in regard to a settlement of limits on the said coast.

The ministry of the Emperor having induced the British ministry to furnish Sir Charles Bagot, ambassador of His Majesty the King of England near His Imperial Majesty, with full powers necessary for the negotiation about to be set on foot for reconciling the difficulties existing between the two courts on the subject of the northwest coast, the English Government is desirous of acceding to that invitation.

The undersigned has been directed to communicate to Mr. Adams, Secretary of State, in the name of his august master, and as an additional proof of the sentiments entertained by His Imperial Majesty towards the President of the United States and the American Government, the expression of his desire that Mr. Middleton be also furnished with the necessary powers to terminate with the Imperial cabinet, by an arrangement founded on the principle of mutual convenience, all

the differences that have arisen between Russia and the United States in consequence of the law published September 4 (16), 1821.

The undersigned thinks he may hope that the Cabinet of Washington will, with pleasure, accede to a proposition tending to facilitate the completion of an arrangement based upon sentiments of mutual good will and of a nature to secure the interests of both countries.

He profits, etc.,

TUYLL.

Mr. Adams to Baron Tuyll.

DEPARTMENT OF STATE,
Washington, May 7, 1823.

The undersigned, Secretary of State of the United States, has submitted to the consideration of the President the note which he had the honor of receiving from the Baron de Tuyll, envoy extraordinary and minister plenipotentiary from His Imperial Majesty the Emperor of all the Russias, dated the 12th (24th) of the last month.

The undersigned has been directed, in answer to that note, to assure the Baron de Tuyll of the warm satisfaction with which the President receives and appreciates the friendly dispositions of His Imperial Majesty toward the United States; dispositions which it has been, and is, the earnest desire of the American Government to meet with corresponding returns, and which have been long cemented by the invariable friendship and cordiality which have subsisted between the United States and His Imperial Majesty.

Penetrated with these sentiments, and anxiously seeking to promote their perpetuation, the President readily accedes to the proposal that the minister of the United States at the court of His Imperial Majesty should be furnished with powers for negotiating, upon principles adapted to those sentiments, the adjustment of the interests and rights which have been brought into collision upon the northwest coast of America, and which have heretofore formed a subject of correspondence between the two Governments, as well at Washington as at St. Petersburg.

The undersigned is further commanded to add that, in pursuing, for the adjustment of the interests in question, this course, equally congenial to the friendly feelings of this nation towards Russia and to their reliance upon the justice and magnanimity of His Imperial Majesty, the President of the United States confides that the arrangements of the cabinet of St. Petersburg will have suspended the possibility of any consequences resulting from the ukase to which the Baron de Tuyll's note refers which could affect the just rights and the lawful commerce of the United States during the amicable discussion of the subject between the Governments respectively interested in it.

The undersigned, etc., JOHN QUINCY ADAMS.

Mr. Adams to Mr. Middleton.

No. 16.] DEPARTMENT OF STATE,
Washington, July 22, 1823.

SIR: I have the honor of inclosing, herewith, copies of a note from Baron de Tuyll, the Russian minister, recently arrived, proposing, on

the part of His Majesty the Emperor of Russia, that a power should be transmitted to you to enter upon a negotiation with the ministers of his Government concerning the differences which have arisen from the imperial ukase of 4th (16th) September, 1821, relative to the northwest coast of America, and of the answer from this Department acceding to this proposal. A full power is accordingly inclosed, and you will consider this letter as communicating to you the President's instructions for the conduct of the negotiation.

From the tenor of the ukase, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude on the Asiatic coast to the latitude of fifty-one north on the western coast of the American continent; and they assume the right of interdicting the *navigation* and the fishery of all other nations to the extent of one hundred miles from the whole of that coast.

The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain *islands* north of the fifty-fifth degree of latitude, and have no existence on the continent of America.

The correspondence between Mr. Poletica and this Department contained no discussion of the principles or of the facts upon which he attempted the justification of the imperial ukase. This was purposely avoided on our part, under the expectation that the Imperial Government could not fail, upon a review of the measure, to revoke it altogether. It did, however, excite much public animadversion in this country, as the ukase itself had already done in England. I inclose herewith the North American Review for October, 1822, No. 37, which contains an article written by a person fully master of the subject; and for the view of it taken in England, I refer you to the 52d number of the Quarterly Review, the article upon Lieutenant Kotzebues' voyages.[a] From the article in the North American Review it will be seen that the rights of discovery, of occupancy, and of uncontested possession, alleged by Mr. Poletica, are all without foundation in fact.

It does not appear that there ever has been a permanent Russian settlement on this continent south of latitude 59; that of New Archangel, cited by Mr. Poletica, in latitude 57° 30′, being upon an island. So far as prior *discovery* can constitute a foundation of right, the papers which I have referred to prove that it belongs to the United States as far as 59° north, by the transfer to them of the rights of Spain. There is, however, no part of the globe where the mere fact of discovery could be held to give weaker claims than on the Northwest coast. "The great sinuosity," says Humboldt, "formed by the coast between the 55th and 60th parallels of latitude embraces discoveries made by Gali, Behring and Tchivikoff, Quadra, Cook, La Perouse, Malespiēr, and Vancouver. No European nation has yet formed an establishment upon the immense extent of coast from Cape Mendosino to the 59th degree of latitude. Beyond that limit the Rus-

[a] For article in Quarterly Review, see Fur Seal Arbitration, Vol. IV, p. 227. For North American Review, Ib., p. 244.

sian factories commence, most of which are scattered and distant from each other, like the factories established by the European nations for the last three centuries on the coast of Africa. Most of these little Russian colonies communicate with each other only by sea, and the new denominations of Russian-America, or Russian possessions in the new continent, must not lead us to believe that the coast of Behrings Bay, the peninsula of Alaska, or the country of Ischugatschi, have become Russian *provinces* in the same sense given to the word when speaking of the Spanish provinces of Sonora or New Biscay."—(Humboldt's New Spain, vol. 2d, book 3d, ch. 8, p. 496.)

In Mr. Poletica's letter of 28th February, 1822, to me, he says that when the Emperor Paul I granted to the present American Company its first charter in 1799 he gave it the *exclusive possession* of the northwest coast of America, which belonged to Russia, from the 55th degree of north latitude to Behrings Strait.

In his letter of 2d of April, 1822, he says that the charter to the Russian-American Company, in 1799, was merely conceding to them a part of the sovereignty, *or, rather, certain exclusive privileges of commerce.*

This is the most correct view of the subject. The Emperor Paul granted to the Russian-American Company certain exclusive privileges of commerce—exclusive with reference to other Russian subjects; but Russia had never before *asserted* a right of sovereignty over any part of the North American continent, and in 1799 the people of the United States had been at least for twelve years in the constant and uninterrupted enjoyment of a profitable trade with the natives of that very coast, of which the ukase of the Emperor Paul could not deprive them.

It was in this same year, 1799, that the Russian settlement at Sitka was first made, and it was destroyed in 1802 by the natives of the country. There were, it seems, at the time of its destruction three American seamen, who perished with the rest, and a new settlement at the same place was made in 1804.

In 1808, Count Romanzoff, being then minister of foreign affairs and of commerce, addressed to Mr. Harris, consul of the United States at St. Petersburg, a letter, complaining of the traffic carried on by citizens of the United States with the native islanders of the northwest coast, *instead* of trading with the Russian possessions in America. The count stated that the Russian Company had represented this traffic as *clandestine*, by which means the savage *islanders*, in exchange for otter skins, had been furnished with firearms and powder with which they had destroyed a Russian fort, with the loss of several lives. He expressly disclaimed, however, any disposition on the part of Russia to abridge this traffic of the citizens of the United States, but proposed a convention by which it should be carried on *exclusively* with the agents of the Russian-American Company at Kodiack, a small island near the promontory of Alaska, at least 700 miles distant from the other settlement at Sitka.

On the 4th of January, 1810, Mr. Daschkoff, chargé d'affaires and consul-general from Russia, renewed this proposal of a convention, and requested, as an alternative, that the United States should, by a legislative act, prohibit the trade of their citizens with the natives of the northwest coast of America, as *unlawful and irregular*, and thereby induce them to carry on the trade exclusively with the agents of the

Russian-American Company. The answer of the Secretary of State, dated the 5th of May, 1810, declines those proposals for reasons which were then satisfactory to the Russian Government, or to which, at least, no reply on their part was made. Copies of these papers, and of those containing the instructions to the minister of the United States then at St. Petersburg, and the relation of his conferences with the chancellor of the empire, Count Romanzoff, on this subject, are herewith inclosed. By them it will be seen that the Russian Government at that time explicitly declined the assertion of *any* boundary line upon the northwest coast, and that the proposal of measures for confining the trade of the citizens of the United States exclusively to the Russian settlement at Kodiack and with the agents of the Russian-American Company had been made by Count Romanzoff, under the impression that they would be as advantageous to the interests of the United States as to those of Russia.

It is necessary now to say that this impression was erroneous. That the traffic of the citizens of the United States with the natives of the northwest coast was neither *clandestine* nor unlawful nor irregular. That it had been enjoyed many years before the Russian-American Company existed, and that it interfered with no lawful right or claim of Russia.

This trade has been shared also by the English, French, and Portuguese. In the prosecution of it the English settlement of Nootka Sound was made, which occasioned the differences between Great Britain and Spain in 1789 and 1790, ten years before the Russian-American Company was first chartered.

It was in the prosecution of this trade that the American settlement at the mouth of the Columbia River was made in 1811, which was taken by the British during the late war, and formally restored to them on the 6th of October, 1818. By the treaty of the 22d of February, 1819, with Spain, the United States acquired all the rights of Spain north of latitude 42°; and by the third article of the convention between the United States and Great Britain, of the 20th of October, 1818, it was agreed that any country that might be claimed by either party on the northwest coast of America, westward of the Stony Mountains, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from that date, to the vessels, citizens, and subjects of the two powers, without prejudice to the claims of either party or of any other State.

You are authorized to propose an article of the same import for a term of ten years from the signature of a joint convention between the United States, Great Britain, and Russia.

The right of the United States from the forty-second to the forty-ninth parallel of latitude on the Pacific Ocean we consider as unquestionable, being founded, first, on the acquisition by the treaty of February 22, 1819, of all the rights of Spain; second, by the discovery of the Columbia River, first from sea at its mouth, and then by land by Lewis and Clarke; and third, by the settlement at its mouth in 1811. This territory is to the United States of an importance which no possession in North America can be of to any European nation, not only as it is but the continuity of their possessions from the Atlantic to the Pacific Ocean, but as it offers their inhabitants the means of establishing hereafter water communications from the one to the other.

It is not conceivable that any possession upon the continent of North America should be of use or importance to Russia for any other purpose than that of traffic with the natives. This was in fact the inducement to the formation of the Russian American Company and to the charter granted them by the Emperor Paul. It was the inducement to the ukase of the Emperor Alexander. By offering free and equal access for a term of years to navigation and intercourse with the natives to Russia, within the limits to which our claims are indisputable, we concede much more than we obtain. It is not to be doubted that, long before the expiration of that time, our settlement at the mouth of the Columbia River will become so considerable as to offer means of useful commercial intercourse with the Russian settlements on the islands of the northwest coast.

With regard to the territorial claim, separate from the right of traffic with the natives and from any system of colonial exclusions, we are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian American Company, that is to say, latitude 55°.

If the Russian Government apprehend serious inconvenience from the illicit traffic of foreigners with their settlements on the northwest coast, it may be effectually guarded against by stipulations similar to those, a draft of which is herewith subjoined, and to which you are authorized, on the part of the United States, to agree.

As the British ambassador at St. Petersburg is authorized and instructed to negotiate likewise upon this subject, it may be proper to adjust the interests and claims of the three powers by a joint convention. Your full power is prepared accordingly.

Instructions conformable to these will be forwarded to Mr. Rush at London, with authority to communicate with the British Government in relation to this interest, and to correspond with you concerning it, with a view to the maintenance of the rights of the United States.

I am, etc.,

JOHN QUINCY ADAMS.

HENRY MIDDLETON,
Envoy Extraordinary and Minister Plenipotentiary of the United States, St. Petersburg.

[Inclosure to No. 16.]

Draft of treaty between the United States and Russia.

ART. I. In order to strengthen the bonds of friendship and to preserve in future a perfect harmony and good understanding between the contracting parties, it is agreed that their respective citizens and subjects shall not be disturbed or molested, either in navigating or in carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country; subject, nevertheless, to the restrictions and provisions specified in the two following articles.

ART. II. To the end that the navigation and fishery of the citizens and subjects of the contracting parties, respectively, in the Pacific Ocean or in the South Seas, may not be made a pretext for illicit trade with their respective settlements, it is agreed that the citizens of the United States shall not land on any part of the coast actually occupied by Russian settlements, unless by permission of the governor or commander thereof, and that Russian subjects shall, in like manner, be interdicted from landing without permission at any settlement of the United States on the said northwest coast.

ART. III. It is agreed that no settlement shall be made hereafter on the northwest coast of America by citizens of the United States or under their authority, north, nor by Russian subjects, or under the authority of Russia, south of the fifty-fifth degree of north latitude.

(For other inclosures see American State Papers, Foreign Relations, Vol. V, pp. 436–438.)

Mr. Adams to Mr. Rush.

No. 70.] DEPARTMENT OF STATE,
Washington, July 22, 1823.

SIR: Among the subjects of negotiation with Great Britain which are pressing upon the attention of this Government is the present condition of the northwest coast of this continent. This interest is connected, in a manner becoming from day to day more important, with our territorial rights; with the whole system of our intercourse with the Indian tribes; with the boundary relations between us and the British North American dominions; with the fur trade; the fisheries in the Pacific Ocean; the commerce with the Sandwich Islands and China; with our boundary upon Mexico; and, lastly, with our political standing and intercourse with the Russian Empire.

By the third article of the convention between the United States and Great Britain of October 20, 1818, it is agreed that any "country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claims which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country, the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves."

On the 6th of October, 1818, fourteen days before the signature of this convention, the settlement at the mouth of Columbia River had been formally restored to the United States by order of the British Government. (Message of the President of the United States to the House of Representatives, April 15, 1822, p. 13. Letter of Mr. Prevost to the Secretary of State of November 11, 1818.)

By the treaty of amity, settlement, and limits between the United States and Spain of February 22, 1819, the boundary line between them was fixed at the forty-second degree of latitude, from the source of the Arkansas River to the South Sea; by which treaty the United States acquired all the rights of Spain north of that parallel.

The right of the United States to the Columbia River and to the interior territory washed by its waters rests upon its discovery from the sea and nomination by a citizen of the United States; upon its exploration to the sea by Captains Lewis and Clarke; upon the settlement of Astoria, made under the protection of the United States, and thus restored to them in 1818; and upon this subsequent acquisition of all the rights of Spain, the only European power who prior to the

discovery of the river had *any* pretensions to territorial rights on the northwest coast of America.

The waters of the Columbia River extend by the Multnomah to the forty-second degree of latitude, where its source approaches within a few miles of those of the Platte and Arkansas, and by Clarke's River to the fiftieth or fifty-first degree of latitude; thence, descending southward, till its sources almost intersect those of the Missouri.

To the territory thus watered, and immediately contiguous to the original possessions of the United States, as first bounded by the Mississippi, they consider their right to be now established by all the principles which have ever been applied to European settlements upon the American hemisphere.

By the ukase of the Emperor Alexander of the 4th (16th) of September, 1821, an exclusive territorial right on the northwest coast of America is asserted as belonging to Russia and as extending from the northern extremity of the continent to latitude 51°, and the navigation and fishery of all other nations are interdicted by the same ukase to the extent of one hundred Italian miles from the coast.

When Mr. Poletica, the late Russian minister here, was called upon to set forth the grounds of right conformable to the laws of nations which authorized the issuing of this decree, he answered in his letters of February 28 and April 2, 1822, by alleging first discovery, occupancy, and uninterrupted *possession*.

It appears upon examination that these claims have no foundation in fact. The right of *discovery* on this continent claimable by Russia is reduced to the probability that in 1741 Captain Tchirikoff saw from the sea the mountain called St. Elias, in about the 59th degree of north latitude. The Spanish navigators as early as 1582 had discovered as far north as 57° 30′.

As to occupancy, Captain Cook in 1779 had the express declaration of Mr. Ismaeloff, the chief of the Russian settlement at Onalashka, that they *knew nothing* of the continent in America; and in the Nootka Sound controversy between Spain and Great Britain it is explicitly stated in the Spanish documents that Russia had disclaimed all pretension to interfere with the Spanish exclusive rights to *beyond* Prince Williams Sound, latitude 61°. No evidence has been exhibited of any Russian settlement on this continent south and east of Prince Williams Sound to this day, with the exception of that in California, made in 1816.

It never has been admitted by the various European nations which have formed settlements in this hemisphere that the occupation of an island gave any claim whatever to territorial possessions on the continent to which it was adjoining. The recognized principle has rather been the reverse, as, by the law of nature, islands must be rather considered as appendages to continents than continents to islands.

The only color of claim alleged by Mr. Poletica which has an appearance of plausibility is that which he asserts as an authentic fact: "That in 1789 the Spanish packet *St. Charles*, commanded by Captain Haro, found in the latitude 48° and 49° Russian settlements to the number of eight, consisting, in the whole, of twenty families and 462 individuals." But more than twenty years since Heurieu had shown, in his introduction to the voyage of Marchaud, that in this statement there was a mistake of at least ten degrees of latitude, and that instead of 48° and 49° it should read 58° and 59°. This is probably not the only mistake in the account. It rests altogether upon the credit of two pri-

vate letters—one written from San Blas and the other from the City of Mexico, to Spain—there communicated to a French consul in one of the Spanish ports, and by him to the French minister of marine. They were written in October, 1788, and August, 1789. We have seen that in 1790 Russia explicitly disclaimed interfering with the exclusive rights of Spain to *beyond* Prince William's Sound in latitude 61°; and Vancouver, in 1794, was informed by the Russians on the spot that their most *eastern* settlement there was on Hitchinbrook Island, at Port Etches, which *had been established in the course of the preceding summer*, and that the adjacent continent was *a sterile and uninhabited country.*

Until the Nootka Sound contest Great Britain had never advanced any claim to territory upon the northwest coast of America by right of occupation. Under the treaty of 1763 her territorial rights were bounded by the Mississippi.

On the 22d of July, 1793, Mackenzie reached the shores of the Pacific by land from Canada, in latitude 52° 21′ north, longitude 128° 2′ west of Greenwich.

It is stated in the 52d number of the Quarterly Review, in the article upon Kotzebue's voyage, "that the whole country, from latitude 56° 30′ to the boundary of the United States, in latitude 48° or thereabouts, is now and has long been in the actual possession of the British Northwest Company;" that this company have a post on the borders of a river in latitude 54° 30′ north, longitude 125° west, and that in latitude 55° 15′ north, longitude 129° 44′ west, "by this time (March, 1822) the United Company of the Northwest and Hudson's Bay have, in all probability, formed an establishment."

It is not imaginable that, in the present condition of the world, *any* European nation should entertain the project of settling a *colony* on the northwest coast of America. That the United States should form establishments there, with views of absolute territorial right and inland communication, is not only to be expected, but is pointed out by the finger of nature, and has been for many years a subject of serious deliberation in Congress. A plan has for several sessions been before them for establishing a territorial government on the borders of the Columbia River. It will undoubtedly be resumed at their next session, and even if then again postponed there cannot be a doubt that in the course of a very few years it must be carried into effect.

As yet, however, the only useful purpose to which the northwest coast of America has been or can be made subservient to the settlements of civilized men are the fisheries on its adjoining seas and trade with the aboriginal inhabitants of the country. These have hitherto been enjoyed in common by the people of the United States, and by the British and Russian nations. The Spanish, Portuguese, and French nations have also participated in them hitherto, without other annoyance than that which resulted from the exclusive territorial claims of Spain, so long as they were insisted on by her.

The United States and Great Britain have both protested against the Russian imperial ukase of September 4 (16), 1821. At the proposal of the Russian Government, a full power and instructions are now transmitted to Mr. Middleton, for the adjustment, by amicable negotiation, of the conflicting claims of the parties on this subject.

We have been informed by the Baron de Tuyll that a similar authority has been given on the part of the British Government to Sir Charles Bagot.

Previous to the restoration of the settlement at the mouth of Columbia River in 1818, and again upon the first introduction in Congress of the plan for constituting a Territorial government there, some disposition was manifested by Sir Charles Bagot and by Mr. Canning to dispute the *right* of the United States to that establishment, and some vague intimation was given of British claims on the northwest coast. The restoration of the place and the convention of 1818 were considered as a final disposal of Mr. Bagot's objections, and Mr. Canning declined committing to paper those which he had intimated in conversation.

The discussion of the Russian pretensions in the negotiation now proposed necessarily involves the interests of the three powers, and renders it manifestly proper that the United States and Great Britain should come to a mutual understanding with respect to *their respective* pretensions, as well as upon their joint views with reference to those of Russia. Copies of the instructions to Mr. Middleton are, therefore, herewith transmitted to you, and the President wishes you to confer freely with the British Government on the subject.

The principles settled by the Nootka Sound convention of October 28, 1790, were—

1st. That the rights of fishery in the South Seas, of trading with the natives of the northwest coast of America, and of making settlements on the coasts itself for the purpose of that trade, north of the *actual* settlements of Spain, were common to all the European nations, and of course to the United States.

2d. That so far as the actual settlements of Spain had extended, she possessed the exclusive rights, territorial, and of navigation and fishery, extending to the distance of ten miles from the coasts so *actually occupied*.

3d. That on the coasts of *South America*, and the adjacent islands *south* of the parts already occupied by Spain, no settlement should thereafter be made either by British or Spanish subjects, but on both sides should be retained the liberty of landing, and of erecting temporary buildings for the purposes of the fishery. These rights were also, of course, enjoyed by the people of the United States.

The exclusive rights of Spain to any part of the American continents have ceased. That portion of the convention, therefore, which recognizes the exclusive colonial rights of Spain on these continents, though confirmed as between Great Britain and Spain, by the first additional article to the treaty of the 5th of July, 1814, has been extinguished by the fact of the independence of the South American nations and of Mexico. Those independent nations will possess the rights incident to that condition, and their territories will of course be subject to no *exclusive* right of navigation in their vicinity, or of access to them by any foreign nation.

A necessary consequence of this state of things will be that the American continents henceforth will no longer be subjects of colonization. Occupied by civilized independent nations, they will be accessible to Europeans and to each other on that footing alone, and the Pacific Ocean in every part of it will remain open to the navigation of all nations, in like manner with the Atlantic.

Incidental to the condition of national independence and sovereignty, the rights of anterior navigation of their rivers will belong to each of the American nations within its own territories.

The application of colonial principles of exclusion, therefore, can not be admitted by the United States as lawful upon any part of the northwest coast of America, or as belonging to any European nation. Their own settlements there, when organized as territorial governments, will be adapted to the freedom of their own institutions and, as constituent parts of the Union, be subject to the principles and provisions of their constitutions.

The right of carrying on trade with the natives throughout the northwest coast they can not renounce. With the Russian settlements at Kodiac, or at New Archangel, they may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been and would continue to be as advantageous at least to those settlements as to them. But they will not contest the right of Russia to prohibit the traffic, as strictly confined to the Russian settlement itself, and not extending to the original natives of the coast.

If the British Northwest and Hudson's Bay Companies have any posts on the coast, as suggested in the article of the Quarterly Review above cited, the third article of the convention of October 20, 1818, is applicable to them. Mr. Middleton is authorized by his instructions to propose an article of similar import, to be inserted in a joint convention between the United States, Great Britain, and Russia, for a term of ten years from its signature. You are authorized to make the same proposal to the British Government, and, with a view to draw a definite line of demarcation for the future, to stipulate that no settlement shall hereafter be made on the northwest coast or any of the islands thereto adjoining by Russian subjects south of latitude 55°, by citizens of the United States north of latitude 51°, or by British subjects either south of 51° or north of 55°. I mention the latitude of 51° as the bound within which we are willing to limit the future settlement of the United States because it is not to be doubted that the Columbia River branches as far north as 51°, although it is most probably not the Taconesche Tesse of Mackenzie. As, however, the line already runs in latitude 49° to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance on the same parallel to the sea. Copies of this instruction will likewise be forwarded to Mr. Middleton, with whom you will freely, but cautiously, correspond on this subject, as well as in relation to your negotiation respecting the suppression of the slave trade.

I have the honor to be, with great respect, sir, your very humble, obedient servant,

JOHN QUINCY ADAMS.

Mr. Middleton to Mr. Adams.

No. 29.] ST. PETERSBURG, *September 19, 1823.*

SIR: I have the honor to acquaint you that Count Nesselrode, on the morning of the day in which he left St. Petersburg for Odessa, addressed me the note of which copy is herewith sent. He mentioned to me some days previously having had advices from Baron Tuyll,

intimating that the negotiation upon the subject of the ukase of September 4 (16), 1821, would be transferred to this place.

Sir Charles Bagot likewise has communicated to me instructions he has received from his Government, in which a *joint* negotiation appears to be in contemplation of the British minister. Sir Charles at the same time informed me that Mr. Canning eagerly caught at the proposition of Mr. Rush going to that effect; and that instructions from you, correlative to those of the British Government, would undoubtedly be sent me. I have told him that I do not as yet know anything of the intentions of my Government upon that head, having received no dispatch from the Department of State later than that brought by Mr. Pinkney. Upon Sir Charles's expressing his wish to be informed respecting the actual state of the *northwest* question between the United States and Russia, so far as it might be known to me, I saw no objection to making a *confidential* communication to him of the note of Count Nesselrode, dated August 1, 1822, by which, in fact, staying the execution of the ukase above mentioned, Russia has virtually abandoned the pretensions therein advanced. I learned in this conversation with the British ambassador that up to that time he had done nothing upon the subject further than telling Count Nesselrode that Great Britain would probably at some future day feel obliged to object to some of the provisions of this ukase. The reply made to him was that in such case the matter must be made the subject of a negotiation.

I am in daily expectation of learning what arrangements the President may have been pleased to direct. Mr. Poletica, who is charged by the Imperial Government with the laboring oar upon this occasion, is not unfrequently inquiring whether there are yet any instructions received which might authorize the conferences invited by Count Nesselrode.

I have the honor to be, sir, very faithfully, your obedient servant,

HENRY MIDDLETON.

[Inclosure to No. 29.—Translation.]

Count Nesselrode to Mr. Middleton.

ST. PETERSBURG, *August 22, 1823.*

SIR: On quitting St. Petersburg the Emperor charged me to announce to you that as he had given me orders to follow him on his journey he had authorized Mr. Poletica, actual counsellor of state, to begin with you, sir, the conferences relative to the differences which have arisen between Russia and the United States in consequence of the new regulation given to the Russian American Company by the ukase of his Imperial Majesty dated September 4 (16), 1821.

These conferences will have for their aim to prepare the way for the definitive adjustment of these differences, and I doubt not they will facilitate this result so eagerly desired by the Emperor.

I seize with pleasure the occasion which is offered to me of repeating to you, sir, the assurance of my most distinguished consideration.

NESSELRODE.

Extract of a letter from Mr. Middleton to Mr. Adams.

No. 32.] ST. PETERSBURG, *November 1 (13), 1823.*

Shortly after the receipt of the instructions contained in No. 16 I had several conferences with Mr. Poletica, as well as with Sir Charles

Bagot, upon the subject referred to in that despatch. I found that the first named of these gentlemen had no powers to *conclude* anything, and that he was merely authorized to hold *des pour parlers*, in other words, to discuss the matter. I very soon discovered, too, that a very great divergence of opinion between him and me upon all points relative to the Northwest question must render fruitless all attempts at coming to an understanding *with him*. I was not sorry, therefore, when an incident enabled me to decline further conference until it could be renewed with a better prospect of success. Sir Charles, upon referring to his full power, of which a copy is herewith sent, discovered that it had only relation to the maritime question. It became necessary, then, to remedy this before he could proceed in the business; and accordingly a special messenger was despatched by him for the purpose of obtaining the requisite full powers. I availed myself of the circumstances to decline further conference with Mr. de Poletica, and all proceedings remain suspended until an answer to Sir Charles's despatches can be received, which may be expected about the middle of December. I am hopeful, from the conversations I have had with him, that a perfect understanding respecting the common objects desirable to be attained by the two countries in this negotiation will be effected through him. In the meantime I have prepared a confidential memoir upon the Northwest question, to be ready against the return of the Emperor.

Extract of a letter from Mr. Middleton to Mr. Adams.

No. 33.] ST. PETERSBURG, *December 1 (13), 1823.*

I have prepared, and shall deliver in on the first fit occasion, for His Imperial Majesty's inspection, a confidential memoir on the Northwest question, and I now forward a copy of it, marked (*a*). The subject must be trite to you; but I have found here that it is indispensable to make some statement of facts and principles in this case before I can proceed further in the negotiation. I hope you will approve of the course I am pursuing and that you will find that I have stated correctly both facts and principles. I felt it to be necessary to broach the subject in this mode, knowing the erroneous impressions which prevail. I have now great hopes, notwithstanding the unfavorable appearances which this affair has worn for a few weeks past, that it may take a new turn and that I may yet be enabled to succeed in attaining the main objects of the negotiation.

Sir Charles Bagot is now daily expecting the return of his messenger with new powers and instructions respecting the same matters. I mentioned in my last, and I now repeat, that I have a reasonable expectation that he will be instructed to pursue the course of policy so obviously pointed out by the true interests of England and suggested by a sense of the propriety of *being consistent*, and of persevering in the principles which marked the Nootka Sound contestation. Neither he nor I foresee any difficulty in reconciling and adjusting the interests of our respective countries upon this question.

[Inclosure to No. 33.—Translation.]

CONFIDENTIAL MEMORIAL.

"Great men never fear the truth, and wish nothing to be concealed from them."—(*Montesquieu.*)

Observations upon the rights and claims of Spain, of Russia, of England, and of the United States, relative to the west coast of North America; and upon the ukase of September 4 (16), 1821.

The part of the New World situated towards the north of the great ocean has been explored and known very much later than any other portion of the same continent in the torrid and temperate zones, by reason of its greater distance from Europe, whose navigators can only arrive thither by doubling Cape Horn or that of the Good Hope.

Yet Spain, about the end of the sixteenth century, and in the course of the seventeenth, had pushed her discoveries even in these remote regions; and already, in 1692, claimed the exclusive property of the coasts which she had there discovered, in virtue of grants made by an authority respected at the time, and which continued to be so until she acquired the right of prescription over these possessions.

About this last time, but a little later, in 1697, the Russians penetrated by Siberia as far as Kamtschatka; and from thence, embarking at the ports of Okhotsk and Avatcha, between the years 1710 and 1741, they pushed their discoveries in the northern latitudes of the great ocean. From these discoveries Russia derives her rights to that long chain of islands intervening between the western and the eastern continents, and even to a very considerable portion of the continent of America—rights which have never been contested.

Although the navigators of England, from Drake, in 1578, to Cook and Vancouver—that is, for more than two centuries—had frequently visited these coasts, either to make discoveries there or for trade, yet she never announced having any pretensions there whatever until in the year 1790, when a very sharp dispute broke out with Spain relative to Nootka Sound.

The summary of what passed between the courts of England, Spain, and Russia at the time of the discussion of that question may serve to throw light upon the respective pretensions of these powers.

This difference arose from the seizure of an English vessel from Macao to trade for peltries. After the discoveries of Cook, in 1778, Nootka began to be considered as the principal market for furs of the northwest coast of America, and the enormous profits of this trade had, after some time, brought thither a great number of European and American navigators.

The court of Madrid, fearing lest the English or Russians should attempt to fix themselves at Nootka, had given order to form an establishment there. Mr. Martinez, charged with that order, arrived in this port on the 5th of May, 1789. He found there in fact one English ship, one Portuguese, and two American. He seized all four. Two months after the English ship *Argonaut* arrived, under the command of Captain Colnet. He imparted to the Spanish commander the order of his Government, of which he was the bearer, to establish a factory at that place, and there to build a frigate and a schooner, in order henceforth to prevent every other European nation from taking part in the fur trade.

Martinez represented in vain that, long before Cook, Perez had first anchored in this port. The dispute grew warm between the two officers, and Martinez, to make good his title of priority, caused to be arrested Colnet, and sent him prisoner to San Blas.

It is unnecessary to the object of these observations to pursue the discussion which took place between the courts of London and Madrid in consequence of the act of Martinez. It will be sufficient to refer to note (*a*) for some particulars of this subject and to cite here the letter of Count Fernan Nunez to M. de Montmorin, secretary of the department of foreign affairs of France, under date of June 15, 1790:

"I have the honor of addressing to you below a faithful extract of all the transactions between my court and that of London on the subject of the detention of two English ships, which were seized in the bay of St. Lawrence or Nootka, situated to the north of California, under the 50th degree of latitude.

"By this relation you will be enabled to judge, 1st, that by treaties, boundary lines, taking possession, and by all the most decided acts of sovereignty exercised by the Spaniards upon these regions from the reign of Charles II, and authorized by that monarch in 1692, the proofs of which will be produced in the course of this negotiation, all the northwest coast of America on the side of the Pacific Ocean, as

far as to the other side of what is called Prince William Sound, under the 61st degree of latitude, is recognized as belonging exclusively to Spain; 2dly, that the court of Russia, having had knowledge of this extent of our limits, did not hesitate to give assurances to the King, my master, of the purity of his intentions on this subject, and added that he regretted exceedingly that the repeated orders given to prevent the violation of the territory of a foreign power by the subjects of Russia had been disobeyed."

It is proved by the pieces produced in this discussion that the claims of Spain extended to the other side of Prince William Sound, situated in the 61st degree of north latitude; and that the court of Russia, having had information of the extent of these limits, has declared that she had no intention of opposing it; that she had even added expressions of regret that her repeated orders to prevent the violation of the territory of Spain by Russian subjects should have been disobeyed.

It is then demonstrated that Russia in the year 1790 was far from forming any territorial claim for herself upon the continent of North America on this side of the 61st degree of north latitude.

The principle upon which England insists is, that the Northwest coast of America, north of the actual establishments of Spain, ought not to be deemed to belong exclusively to *any* European.

Thus England did not, like Russia, admit the exclusive claims of Spain as far as the 61st degree; and it appears that, in consequence, she took for the basis of her stipulations in the treaty of the 28th of October, 1790, the principle that the rights of freely navigating and fishing in the Pacific Ocean, and of trading with the natives of the coast, by landing in the unoccupied places and there making establishments, are common to all nations. The 5th article, moreover, stipulates that in all parts of the Northwest coast of North America, or of the adjacent islands, situated to the north of the parts of said coast occupied by the Spaniards before the month of April, 1789, as well in the places restored as in those where the subjects of one of the two powers shall come to form establishments, the subjects of the other shall have free access, and shall carry on their trade without trouble or molestation. Besides, several other articles of immediate interest to the two nations, but which involve no general principle, were agreed on.

From what precedes, it will be readily perceived what was the relative position of the three powers in their claims upon the Northwest coast of America in the year 1790. Russia confined herself on the other side of the 60th degree of north latitude, whilst Spain and England had conventionally fixed their respective rights in all the parts of the Northwest coast situated from the last establishments of Spain to the south of Cape Mendocino, to the 60th degree, inclusive.

Nine years after the Emperior Paul granted to the Russian American Company (see note *b*) certain exclusive privileges of commerce on these coasts as far as the 55th degree of north latitude (see note *c*), *exclusive*, it must be believed, in respect *to other Russian subjects* simply, for Russia had never claimed sovereignty of the part of this coast situated on this side of the 60th degree, to which, on the contrary, she had recognized the rights of Spain; and in the year 1799 several nations, and especially the United States of America, for more than twelve years had pursued a free and uninterrupted trade with the natives of this coast, from which, consequently, the ukase of that State neither ought nor could exclude them.

It is difficult to be convinced of the fact that such was the intention of the ukase when attention is paid to the declaration of Russia (known to all Europe) of which we have made mention before.

Yet, to be enabled to judge if the claim of having exclusive rights upon all the coast, even to the 55th degree, could be justified by facts, it may be useful to take a hasty review of the discoveries of Russia in the *Eastern* Ocean as to them, and, for this purpose, let us refer to note *d*, partly extracted from the work of M. Levesque.

It appears by this extract that Behring and Tschirikoff are the only Russian navigators who touched at the continent of America, on this side of the 60th degree, previous to the year 1790; and it is even on this sole circumstance that a foundation was made for forming a claim to the discovery and the possession of this coast. It is alleged "that in 1789 the Spanish packet San Carlos, commanded by Captain de Haro, found, in latitude 48° to 49°, Russian establishments to the number of eight, making in all twenty families, or 468 individuals." But it may be answered, that it is more than twenty years since M. de Fleurieu demonstrated, in the learned historical introduction to the voyage of Captain Marchaud, that there must be in this recital an error of ten degrees of latitude at least, and that, instead of 48° to 49°, it ought to read 58° to 59°. It is even very probable that that is not the only error which is in the relation, for that story originates from two private letters, the one written from San Blas, the other from Mexico, communicated to a French consul in

one of the ports of Spain, and by him to the minister of marine in France. The dates are, October, 1788, and August, 1789. Now, we have just seen that in the following year Russia confirmed the rights of Spain as far as the other side of Prince William's Sound, in the latitude 61 degrees. It can scarcely, then, be necessary to lay more stress upon the trifling importance of the alleged circumstance.

It appears that Tschirikoff never landed, but having approached the coast without knowing if it were the continent or an island, and having successively sent his long boat, and then his canoe, he lost both, together with the men who were in them, whom he believed to be massacred by the natives of the country, and then he returned to Kamtschatka. Behring, on his part, discovered and examined the bay (strait) which bears his name.

Captain Vancouver learned, in 1794, from the Russians themselves, upon the spot, that their most easterly establishment was then at port Eches, in *Hinchin Brook* island (*Tchatcha* island of the Russians, and *Magdalena* of the Spaniards, in latitude 60° 25′), where they were established the preceding summer, and that *the continent* in the vicinity of that place was barren and *uninhabited*.

From these facts, incontestibly proved by historical documents, an irresistible conclusion follows, which agrees with the declaration of Russia in 1790; and it ought to appear definitive that she had no right to claim, either under the title of discovery or of possession, *on the continent* east or south of Behring's Strait, about the 60th degree of north latitude.

Moreover, the note (*e*) on the diplomatic communications between the Government of the United States and Russia, on this subject, will make known what were the ideas of the Imperial minister during the year 1810. It will be perceived, by the recital of what passed in the conferences of September and October of that year, that the Imperial Government was then undecided what side it should have taken definitively, for foreign commerce, on the northwest coast, either Russian or Spanish, of North America. It will also be remarked that the Government of the United States had, till then, principally insisted on the difficulty of pronouncing in a case where Spain ought to have claims. This scruple proves, at least, how attentive it was not to do prejudice to the right of a third.

In expectation of the decision which thus remained in suspense the commerce of the United States increased very considerably in these latitudes. It is easy to prove, even by the authority of Russian voyagers, what the extent of this commerce was. Among others, M. Lisianski had remarked, from the year 1804, that the Russians could collect as many as eight thousand otters' skins annually, in the bay of Sitka, if they had the means of excluding the Americans from this trade, whilst at that time they only took from thence about three thousand. (See page 236, English edition.) It will be sufficient to add that in the last years there has been sent from the ports of the United States, in the season for trade on the northwest coast, as many as seventeen merchant vessels, which are for the most part in the habit of trading in China with the cargoes which they obtain on this coast and in the islands of the Pacific Ocean.

It is now time to consider what can be the foundations of the territorial claims of the United States of America upon the northwest coast of their continent. Their bordering position to one part of that coast gives them a much greater importance for themselves than for any of the powers of Europe. The territory situated west of the ancient provinces of the United States presents to them contiguity of possessions from the Atlantic to the Pacific Ocean, and will afford their inhabitants the means of establishing communications of internal navigation from the one sea to the other.

The two ships which had been seized by Martinez were released by him to continue the navigation which they had attempted around the globe. During this voyage the sloop Columbia anchored the first in a great river, which had been but imperfectly discovered by Quadra, and which Vancouver was unable to find again, but which is since known under the name of Columbia. An establishment has been since formed at its mouth, under the protection of the United States, whose Government has also sent by land for the same destination a military expedition under the command of Captains Lewis and Clarke. These officers have visited and explored the country surrounding this river and its tributaries, and have published a chorographical account of it.

During the last war between the United States and Great Britain the fort situated at the mouth of the river was given up to the English, but they afterwards restored it to the United States, under the stipulation of the first article of the treaty of peace.

To the rights acquired by that possession, situated on the coast of the continent under 46° 15′ of north latitude, and contiguous to their ancient territory, the United States have joined those which they derive from the treaty of limits with Spain, signed at Washington, February 22, 1819. By the third article of this treaty His

Catholic Majesty cedes to the United States all his rights, claims, and pretensions to the territories situated to the north of the 42d parallel of latitude, from the source of the river Arkansas to the great ocean.

It may be useful to remark here that the establishment at Nootka has been abandoned both by Spain and by England; and that it appears probable that these two nations have not now any possession upon the northwest coast between the 42d and the 60th degrees of north latitude.

The Russians have an establishment upon the *island of Sitka*,[a] in latitude 57° 50′. This fort, built in 1799, was destroyed three years after by the natives of the country, and reestablished in 1804 by Mr. Lisianski, who called it New Archangel. Russia can not, however, avail herself of the circumstance of that possession to form a foundation for rights *upon the continent*, the usage of nations never having established that the occupation of an island could give rights upon the neighboring continent. The principle is, rather, that the islands ought to be considered as dependent upon the continent, than the inverse of the proposition.

It appears, then, that the position of Russia relative to her rights upon the northwest coast of America had not at all changed since 1790. The Russian-American Company had enjoyed its exclusive rights granted by the Emperor Paul. It had prospered and formed an establishment in the limits marked out by the ukase of 1799. It had, however, never pretended to exclude other nations from a commerce shared with them for so long a time; but it saw with jealousy its profits diminished by this rivalship. In fine, it took a violent part, and at length obtained by its solicitations the ukase of 4th (16th) September, 1821.

In speaking of this measure, we shall make it our business to say nothing but what appears strictly necessary to set it in its true light, convinced, as we are, that the enlightened Government from whence it emanates will listen with good will to observations conceived with the intention of obtaining nothing but what is just in itself and useful to all interested.

The ukase, by its first three articles, under the form of a grant to a private association, presupposes the existence of exclusive territorial rights (a pretension unknown till now) on a great extent of continent, with the intervening islands and seas, and it forbids all foreign nations from approaching nearer them than one hundred Italian miles to these coasts. The ukase even goes to the shutting up of a strait which has never been till now shut up, and which is at present the principal object of discoveries interesting and useful to the sciences.

The very terms of the ukase bear that this pretension has now been made known for the first time.

The following sections relate to the seizure of vessels, and to the proceedings before the tribunals against those who infringe the regulation, and might furnish remarks worthy of attention as to the right of visit against ships in times of peace, permitted even to merchant vessels, as well as upon other points. But it is thought better to pass over these matters as simply accessories to the principal point. Nothing is intended but first to know if the vast territory contained in the limits marked out by the ukase is, in fact, incorporated with the Empire of Russia upon admissible principles.

All jurists are agreed upon the principle that real occupation only can give the rights to the property and to the sovereignty of an unoccupied country newly discovered. (See note *f*.)

With all the respect which we owe to the declared intention and to the determination indicated by the ukase, it is necessary to examine the two points of fact: 1st, if the country to the south and east of Behring's Strait as far as the 51st degree of north latitude is found strictly unoccupied; 2d, if there has been latterly a real occupation of this vast territory.

We have already seen in the summary of the dispute between England and Spain what was the decision of Russia upon the first point. It cannot be necessary for us to repeat it.

As to what regards the real occupation, one may be convinced, on having recourse to the charts officially published by the Russian Government, that the only establishment on this side of the 60th degree is that which is found on the island of Sitka, situated under 57° 30′ of latitude, and consequently more than six degrees from the southern limit fixed by the ukase.

The conclusion which must necessarily result from these facts does not appear to establish that the territory in question had been legitimately incorporated with the Russian Empire.

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[a] The Tchinkitane of the Indians in the *Bay of Guadalupe* of the Spaniards in 1775, and the *Norfolk Bay* of the English of 1787.

The extension of territorial rights to the distance of a hundred miles from the coasts upon two opposite continents, and the prohibition of approaching to the same distance from these coasts, or from those of all the intervening islands, are innovations in the law of nations and measures unexampled. It must thus be imagined that this prohibition, bearing the pains of confiscation, applies to a long line of coasts, with the intermediate islands, situated in vast seas, where the navigation is subject to innumerable and unknown difficulties, and where the chief employment, which is the whale fishery, cannot be compatible with a regulated and well-determined course. (See note *g*.)

The right cannot be denied of shutting a port, a sea, or even an entire country against foreign commerce in some particular cases. But the exercise of such a right, unless in the case of a colonial system already established, or for some other special object, would be exposed to an unfavorable interpretation, as being contrary to the liberal spirit of modern times, wherein we look for the bonds of amity and of reciprocal commerce among all nations being more closely cemented.

Universal usage, which has obtained the force of law, has established for all the coasts an accessory limit of a moderate distance, which is sufficient for the security of the country and for the convenience of its inhabitants, but which lays no restraint upon the universal rights of nations nor upon the freedom of commerce and of navigation. (See Vattel, B. I, chap. 23, sec. 289.)

In the case where this territorial limit would be insufficient, it is always allowable to make to it the augmentations which may be desired, by the way of diplomacy, in concluding treaties with the nations that might be found interested in it, the only means of reconciling them to the species of constraint which must necessarily result in this case to the maritime powers.

The only object of these observations is to induce a reconsideration of all this question, in general, on the part of the Russian Government, whose just and reasonable disposition can not be doubted, and to prevail upon it to adopt the measures which its wisdom shall point out to it as most proper to mitigate the inconveniences which arise to foreign nations from the decree on the privileges of the Russian American Company.

NOTE (e).[a]

Abstract of diplomatic communications between the United States and Russia on the subject of the trade of the northwest coast.

Count Romanzoff, minister of foreign affairs and of commerce, acquainted the chargé d'affaires of the United States at St. Petersburg, in the year 1808, "that the American Company had represented to him that the ships of the United States, instead of trading with the Russian possessions in America, went thither to carry on a clandestine traffic with the savages, to whom they furnished, in exchange for otters' skins, firearms and powder, the use of which, till then unknown to these *islanders*, had been in their hands very hurtful to the subjects of His Imperial Majesty; and that the citizens of the United States had become themselves the victims of the imprudent speculation of their countrymen." (His excellency doubtless meant to speak of the destruction of the Russian fort at Sitka, in 1801, of which Mr. Lisianski gives the account in his voyage from 1803 to 1806.) His excellency requests the chargé d'affaires to make known these *established facts* to his Government and to call its serious attention to them, adding "that the care it takes of becoming distinguished by the scrupulous combination of its interests with those of other powers, and its respect for the law of nations, excite the hope that this *illicit* traffic will meet with its disapprobation, and that rigid orders will put a stop to it."

The chargé d'affaires of America, in acknowledging the receipt of this note, promised to convey information of the reclamation to his Government.

Mr. Daschkoff, chargé d'affaires of His Imperial Majesty, renewed, under date of January 4, 1810, the same representation to the Government of the United States at Washington; and he proposed as a remedy the medium of a regulation of the Government of the United States which should forbid to their citizens all commerce with the natives of the northwest coast of America, and which should confine them to trade with the Russian factories in the said latitudes; in a word, he solicited a law of the United States, or a convention between the two Governments, to declare all commerce with the natives of the country to be contraband. This negotiation was put off to another time, Mr. Daschkoff not being authorized to fix a latitude which might serve as a line of demarkation to American vessels that might trade on these coasts;

[a] See American State Papers, Foreign Relations, Vol. V, pp. 453–457, for notes omitted.

and it appears by his letter of April 24, 1810, that he "was under the necessity of waiting as long as he could to receive correct information of the *geographical situation* of the Russian establishments."

The Government of the United States answered him, under date of May 5, 1810, that it would afford the President the utmost satisfaction to come to an equitable arrangement for the commerce of the United States with the natives in the Russian establishments; but that, the instructions of Mr. Daschkoff not having authorized him to fix a precise line of demarkation, the definitive arrangement of this question was not at present possible; but that if this obstacle were even removed by the full powers of his Government, others of a very delicate nature would present themselves to it.

That on the supposition that the natives of the country should be found under the jurisdiction of Russia, the United States would have only to abandon their merchants to the penalties incurred by those who carry on a contraband trade in a foreign jurisdiction; that if, on the contrary, the natives ought to be regarded as independent tribes, Russia could not prohibit foreigners from trading with them, unless in contraband of war and in time of war, in which case she can herself put in execution the prohibition on the open sea.

The same rule may be applicable if the natives are considered as rebels or insurgents against the authority of Russia. Considering the subject in this point of view, it would be difficult for the United States, notwithstanding their constant desire of giving proofs of their friendship and of their respect toward his Imperial Majesty, to receive this proposition by recognizing such a state of things, since, in pronouncing upon opposite pretensions, they might expose themselves with Spain, whose rights upon the northwest coast of America extended to the south of the establishments of Russia; and, in fine, that if such an arrangement should be proposed to Congress it would still want there the basis of reciprocity. In expressing the sentiments of the Government of the United States, the Secretary of State added the expression of the desire that it might be found conformable to the benevolent and magnanimous intentions of His Imperial Majesty to favor the commerce of the United States, as well with the natives of the country as with the Russian establishments in these latitudes, in all the objects which may not be of a nature to be prejudicial to either.

In the month of September, 1810, his excellency Count Romanzoff, in a conference with Mr. Adams, minister of the United States at St. Petersburg, explained to him his ideas on the commerce of the northwest coast of America. His excellency observed that Russia had establishments on this coast from which a very advantageous trade with China might be carried on; that the Imperial Government had sent thither two ships, under the command of Captain Krusenstern, who had proceeded from thence to China; that, although the port of Canton be open to all the European nations, the Chinese had refused to admit the ship of Captain Krusenstern, under the pretext that the Russians had for a long time enjoyed the advantage of an exclusive privilege of trade by land at Kiachta, and that they were pursuaded that if the Russians had had the intention of changing the route of their trade they would have mentioned it beforehand. Count Romanzoff wished, for these reasons, that the trade of the Russian establishments in these parts with China might be carried on by the intervention of American ships; and as these establishments were in the vicinity of the natives of the country, a race of men ferocious and dangerous, he thought an arrangement possible with the United States by which they might enjoy the trade of the establishments, under the restriction of not furnishing arms and munitions of war to the natives in the neighborhood of these establishments.

Upon Mr. Adams observing that he would wish to know what were the limits in which the restriction would operate, his excellency replied that this point required deliberation, but that the Russian charts represented the whole coast to the mouth of Columbia River as comprehended in their possessions.

In a second conference, in the month of October following, Mr. Adams mentioned in detail the difficulties which opposed an arrangement of the nature of that which his excellency the minister of trade wished, who finally appeared to agree that reciprocity, at least, was wanting to the restrictions which were demanded; and as to what regards the privilege granted for them, namely, the trade with the Russian establishments, it was evident that it did, in fact, already exist (and it may be added, by way of parenthesis, that it was a trade without which the very existence of the Russian colonies had been often exposed).

Besides, his excellency has not raised objections to the continuation of the trade of American vessels with the coasts in the neighborhood of the Russian establishments; he had even declared that this commerce was open to all friendly nations; he had only insisted on the inconveniences which resulted from their having furnished fire-

arms and powder to the natives. In fine, his excellency observed that, as to what regarded the fixing of a limit to the Russian territories, the measure presented great difficulties at the moment, and that it would be better to defer this fixing to a future time, in order to avoid possible collisions and every pretext of discontent and jealousy, for, in the present state of the world, the most ardent wish of his heart was to bring all the civilized nations to pacific dispositions and to avoid everything which might be capable of sowing discord.

Mr. Adams saw, about the same time, the memorials of the Russian-American Company, in which a territorial claim was advanced as far as the mouth of Columbia River.

Mr. Rush to Mr. Adams.

No. 353.] LONDON, *December 19, 1823.*

SIR: Since I last wrote, Mr. Canning has been confined to his house by a sharp attack of gout; nevertheless, he wrote me a note the day before yesterday inviting me to call upon him on that day for the purpose of having our proposed conference on the topic of the Northwest coast. I went accordingly and was received by him in his chamber.

He repeated his wish to learn from me our general grounds upon this subject preparatory to his sending off instructions to Sir Charles Bagot.

I at once unfolded them to him by stating that the proposals of my Government were, first, that as regarded the country lying between the Stony Mountains and the Pacific Ocean, Great Britain, the United State, and Russia should jointly enter into a convention, similar in its nature to the third article of the convention of the 20th of October, 1818, now existing between the two former powers, by which the whole of that country westward of the Stony Mountains and all its waters would be free and open to the citizens and subjects of the three powers as long as the joint convention remained in force. This my Government proposed should be for the term of ten years.

And, second, that the United States were willing to stipulate to make no settlements north of the fifty-first degree of north latitude on that coast, provided Great Britain stipulated to make none south of 51° or north of 55°, and Russia to make none south of 55°.

These, I said, were the principal points which I had to put forward upon this subject. The map was spread out before us, and, in stating the points, I endeavored to explain and recommend them by such appropriate remarks as your instructions supplied me with, going as far as seemed fitted to a discussion regarded only as preparatory and informal.

Mr. Canning repeated that he had not invited me to call upon him with any view to discussion at present, but only to obtain from me a statement of the points, in anticipation of the opening of the negotiation, from the motive that he had mentioned of writing to Mr. Bagot. Yet my statement naturally led to further conversation. He expressed no opinion on any of the points, but his inquiries and remarks under that which proposes to confine the British settlements within 51° and 55° were evidently of a nature to indicate strong objections on his side, though he professed to speak only from his first impressions. It is more proper, I should say, that his objections were directed to our proposal of not letting Great Britain go above 55° north with her settlements, whilst we allowed Russia to come down to that line with hers. In treating of this coast he had supposed that Britain had her northern

question with Russia, as her southern with the United States. He could see a motive for the United States desiring to stop the settlements of Great Britain southward; but he had not before known of their desire to stop them northward, and, above all, over limits conceded to Russia. It was to this effect that his suggestions went. He threw out no dissent to the plan of joint usufruction between the three powers of the country westward of the Stony Mountains for the period of time proposed.

In the course of my remarks I said that the United States no longer regarded any part of that coast as open to European colonization, but only to be used for purposes of traffic with the natives and for fishing in the neighboring seas; that we did not know that Great Britain had ever advanced any claim whatever to territory there founded on occupation prior to the Nootka Sound controversy; that under the treaties of 1763 her territorial rights in America were bounded westward by the Mississippi; that if the Northwest and Hudson's Bay Companies now had settlements as high up as 54° or 55° we suppose it to be as much as could be shown, and were not aware how Great Britain could make good her claims any further; that Spain, on the contrary, had much larger claims on that coast by right of discovery, and that to the whole extent of these the United States had succeeded by the Florida treaty; that they were willing, however, waiving for the present the full advantage of these claims, to forbear all settlements north of 51°, as that limit might be sufficient to give them the benefit of all the waters of the Columbia River; but that they would expect Great Britain to abstain from coming south of that limit or going above 55°, the latter parallel being taken as that beyond which it was not imagined that she had any actual settlements. The same parallel was proposed for the southern limit of Russia as a boundary within which the Emperor Paul had granted certain commercial privileges to his Russian-American Company in 1799; but that, in fixing upon this line as regarded Russia, it was not the intention of the United States to deprive themselves of the right of traffic with the natives above it and still less to concede to that power any system of colonial exclusion above it.

Such was the general character of my remarks which Mr. Canning said he would take into due consideration. In conclusion I said to him that I should reserve myself for the negotiation itself for such further elucidations of the subject as might tend to show the justice and reasonableness of our propositions.

I have the honor to be, etc.,

RICHARD RUSH.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Rush to Mr. Adams.

No. 358.] LONDON, *January 19, 1824.*

SIR: It was an omission in me not to have stated in my communication of the 6th instant what are to be the claims of Great Britain on the northwest coast of America, though as yet Mr. Canning has not made them known to me formally.

She will claim, I understand, to a point northwards above 55°, though

how much above it I am not able to say, and southwards as low down as 49°. Whether she designs to push a claim to the whole of this space with earnestness I am also unable as yet to say, but wait the more full and accurate disclosure of her views. To a portion of it she will certainly assert her title with great confidence, and she will be chiefly tenacious of the right which she will allege to settle or colonize after her own plans, now or in future, all such parts of that coast, out of the admitted boundaries of other nations, as she can make good her title to.

She will regard as alike open (standing upon the question of right) to her future settlements or colonization any part of the North American continent, however minute, on the eastern coast, northern coast, or elsewhere, heretofore undiscovered and unsettled by other powers, and which she has recently explored, or may for the future explore and settle, through her expeditions under Parry and Franklin, or others that she may fit out by land or water.

I need scarcely subjoin that I shall resist her claims under the lights that your instructions afford me and such others as I may be able to command; that I shall allege and endeavor to prove, from treaties and other sources, that the true sovereignty over the whole of that coast from the 42d to the 61st or 60th degree of north latitude is now vested in the United States; and that, consequently, if the United States are willing to leave to Great Britain her present actual settlements there between 55° and 51°, it is as much as the latter power can reasonably ask.

Nevertheless, if the President should think that, as connected with any part of this subject, further instructions might prove useful to me, I beg to repeat that I should be thankful to receive them from you, taking the chance of their still getting to hand before the negotiation, not yet begun, shall finally close.

I have the honor to remain, &c., &c., &c.,

RICHARD RUSH.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

Extracts of a letter from Mr. Middleton to Mr. Adams.

No. 34.] FEBRUARY 5, (17,) 1824.

Sir Charles Bagot not having received any instructions from his court in relation to the Northwest question up to the middle of December last, I was unwilling to lose any further time, and took occasion (as I informed you in my last it was my intention to do), from Count Nesselrode having expressed an opinion to me, "qu'il y avoit beaucoup de vague dans toute cette question," to assure him that it was far otherwise, and to request him to receive for his own and for the Emperor's perusal the *Confidential Memorial*, of which I forwarded you the first sketch with my number 33. This was put into his hand on the 17th December, and will have changed, I hope, some of the views entertained up to that time. I think it must appear clearly to all who examine the subject that the acts of this Government in relation to the Northwest coast have originated in errors of fact and of theory.

I have within these few days past been notified by Sir Charles Bagot that it is the intention of Great Britain to proceed separately in rela-

tion to this interest. I shall abstain from making any remark at present upon this very unexpected turn in the affair, but I am hopeful that the Imperial Government will now proceed in the negotiation without further delay, as it has always professed its readiness to do.

Mr. Middleton to Mr. Adams.

PRIVATE.] ST. PETERSBURG, *25th Feby.* (*O. S.*), *1824.*

SIR: You will have learnt from Mr. Rush that England has declined treating here conjointly with us in relation to this interest. He informed me of it by a letter under date of 9th January, which was not received by me until the 9th instant (N. S.). He states in the same that Mr. Canning intimated to him that Sir Charles Bagot had only paused under *my suggestions.* This Mr. Rush himself knew to be incorrect, and he appears to have misunderstood Mr. Canning wholly, for I have obtained from Sir Charles a *secret* memorandum in Mr. Canning's own handwriting, purporting to be a statement of the substance of his conversation with Mr. Rush, a copy of which I herewith enclose. The letter which contained this paper was dated 15th Jany., and recd. likewise on the 9th instant.

In a despatch of the same date, Mr. Canning informed Sir Charles that it was not until after he had received from *him* the account of Mr. Hughes's arrival at St. Petersburg, and of our impatience to know what might have been agreed upon in London, that he began to suspect that Mr. Rush might have instructions and powers to negotiate *there* with respect to the delimitation of territory; and upon enquiry of Mr. Rush he found, much to his surprise, that such was the fact. This must have been during the first week in January. The delay which this shows is much to be regretted, as occurrences had arisen in the meantime which were of a character to interpose new difficulties in the way of both negotiations.

In the first instant when this unexpected refusal of England was received here, it was much to be apprehended that *our* situation would have been rendered worse by the striking difference of views it indicated between those whose interest in this matter might have been considered until then almost identical. It was to be supposed that Russia would avail herself of the circumstance to hold out longer in pretensions which were not now *jointly* resisted. I have reason to believe, too, that insinuations were not wanting to put the most unfavorable construction upon the doctrine we had advanced and to make it appear as peculiarly directed against Russia. I have been at considerable pains in endeavoring to efface all impressions of that kind, and I let it be distinctly understood that I should protest in the strongest terms against any delimitation of territory without the participation of the United States. I have the satisfaction to say that *our* negotiations commenced on the 9th instant (O. S.), since which we have had only two more conferences.

I shall not have time to give any details by the courrier now about to depart, but I may say that I begin to see a flattering prospect of succeeding nearly as well *without* as we should properly have done *with* the assistance of our friends beyond Channel. On the whole I have much reason to be satisfied with the good will and moderation

evinced towards us by this Govt., notwithstanding the very opposing attitudes in which we are politically placed. It may be that our frank and consistent conduct inspires respect, but our *maritime force* and the consequent *impossibility of dictation* towards us must also be taken into the account. It may be very well understood that a course different from that we are pursuing with regard to Spanish affairs would have pleased better, "but," say they, "England has not the same strong reasons for taking the course she does," and accordingly they seem to consider *her* as less excusable in what she does.

Whatever may be the feeling or views under which they act, I see room to hope that the result of our negotiation will be the adoption of your project of convention with very little alteration. I suppose that our next meeting will enable me to inform you more particularly.

I have, etc,

HENRY MIDDLETON.

Hon. JOHN QUINCY ADAMS.

[Inclosure to Mr. Middleton's private dispatch of Feb. 25, 1824. Mr. Canning to Sir Charles Bagot.]

SECRET.] JANUARY 7, 1824.

MEMORANDUM.

The original instruction to Sir Charles Bagot was to proceed to negotiate with the Court of St. Petersburg directly and separately.

That course of proceeding was suspended in consequence of the intimation received through Mr. Rush, and probably through Mr. Middleton, that the latter might expect instructions from his Govt. to propose uniting the negotiations of the United States and Great Britain.

There was no indisposition on the part of Great Britain to do this.

But the principle laid down with respect to colonization in the speech of the President of the United States (to which Great Britain does not assent) must be so particularly displeasing to Russia that it may be expected to create some difficulty in the negotiation between Russia and the United States.

At all events it must interpose a difficulty to that union of counsels between the United States and Great Britain without which concert would not be advantageous.

Under these circumstances it is not thought advisable to send Sir C. Bagot fresh instructions for a tripartite negotiation.

He is directed to proceed in the course in which he began, and for which alone his present instructions and full powers authorize him.

The settlement between the United States and Great Britain stands for five years yet to come on the convention of 1818.

Mr. Middleton to Mr. Adams.

No. 35.] ST. PETERSBURG, *April 7 (19), 1824.*

SIR: I am here to have the honor of endeavoring to give you a connected though cursory narrative of the proceedings which have taken place during several months past in relation to the negotiation upon the Northwest coast question, which has at length terminated in the conclusion of a convention, signed with the Russian plenipotentiaries upon the 5th (17th) of this month and now to be forwarded by Mr. Lucius Bull, who is to proceed hence for Washington as special messenger.

You are already apprised of the proceedings upon this question having been suspended, in the expectation that Great Britain would pro-

ceed jointly with the United States in the measures to be taken in relation to this interest. That such an expectation was not altogether groundless will appear from the following extracts of a note I made at the time from two despatches addressed by Mr. Secretary Canning to Sir Charles Bagot, and read by him to me just after receiving them:

> Upon the subject of the ukase I have delayed sending you further and more precise instructions, in consequence of an intimation from the Government of the United States, through our minister in America, that they were desirous of combining with ours their representations and negotiations on the subject.

Another despatch, extracts of which were read to me, stated—

> That a copy of a despatch from His Majesty's minister in America upon the subject of the Russian ukase was forwarded for his excellency the ambassador's information. It is therein stated that the Government of the United States are desirous to join with that of His Majesty in bringing forward some proposition for the definitive settlement of this question with Russia.
>
> But we have no specific information as to the views of the American Government, Mr. Rush not having yet received any instructions upon the subject.
>
> It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country is that which concerns the extravagant assumption of maritime jurisdiction. Upon this point, such a concert as the United States are understood to desire might be peculiarly advantageous.—Dated July 12, 1823.

With these extracts before me, and frequent opportunities of observing how anxious Sir C. Bagot was to have our cooperation, it is not surprising that I should be fully under the impression that England would willingly adopt a joint negotiation. It may be very well understood why, then, when I discovered that the full power sent over to Sir Charles had relation to the *maritime question alone* (see the paper lettered A), and when, too, I perceived that Mr. Poletica, who was left in the absence of the Emperor and of Count Nesselrode to "*hold conferences*," it may well be understood *why* I was well pleased to avail myself of Sir Charles' want of powers, to decline continuing a negotiation which could conclude nothing. I then waited patiently until the return of the Emperor; but finding, in the middle of December, that Sir Charles' instructions were not forthcoming, and being unwilling to lose any further time, I took occasion, from Count Nesselrode's telling me in conversation upon the subject of the northwest coast question, * * * to beg to offer to his perusal and that of the Emperor a confidential memoir I had drawn up, a copy of which (in the form in which it was presented) I now forward. (See book lettered A.) I then waited anxiously the news we were to have from London. Great, indeed, was my surprise when, on the 9th of February (N. S.), I received Mr. Rush's letter, dated January 9. (See papers lettered *b* and *c*.) Mr. Rush therein states that Mr. Canning had intimated to him that Sir Charles Bagot had only *paused under my suggestions*. Mr. Rush might have contradicted this, for he must have known that the fact was otherwise. The first intimations from our Government of its desire to concert measures with England had been conveyed through Mr. Stratford Canning.

My first act, upon receiving the notification that England would treat separately from the United States, was to acquaint both the Russian secretary and the British ambassador that if any attempt was made to negotiate upon the territorial question without our participation it would become my duty to protest in the strongest terms. I represented to Sir Charles: 1st, that Great Britain, having no establishment

or possession upon any part of the northwest *coast* of America, she can have no right or pretension except such as may result from her convention with Spain concluded October 28, 1790, and of course she can convey to a third power no rights, claims, or pretensions except such as she herself may have derived from her convention with Spain; 2d, that the United States, in virtue of their convention concluded with Spain February 22, 1819, have acquired all the rights, claims, and pretensions whatsoever of that power upon the same coast, north of the 42d parallel of latitude, and that, consequently, the said States have concurrent rights, claims, and pretensions with Great Britain to whatever point hers may be considered to extend; 3d, that therefore any convention or agreement which might be made between Russia and Great Britain without the participation of the United States must be nugatory and null as regards them, and can not divest the said States of the rights they enjoy upon that coast.

To Count Nesselrode I stated that the benefit to Russia, at least of a convention with England from which we should be excluded, must be small indeed. They seemed willing to assume that the territorial question regarded exclusively Russia and England as "limitrophes" upon this coast. This I denied, and contended that the rights of the United States, to say the least, were *concurrent* with those of England; and to show how little any agreement to which we were not parties would avail them, I used the argument of which a condensed statement follows in the language we used:

That supposing that England, for herself, renounced the rights which the community of the waters which wash these shores gives her, this renunciation can in no way prejudice the rights of others. Thus, in spite of her renunciation, these seas would remain free to all other nations, for a convention between two nations which stipulate their interests according to their own good pleasure can not have any effect either on the principles of the law of nations or on the rights of other nations. It will be found, then, that when our citizens go to traffic in the latitudes of the great Northern Ocean the Russians can not oppose to them *in a valid manner* the convention concluded with Great Britain. The compact with this power would only prove that there had been a dispute and that the two contracting powers had made an arrangement in this regard, etc.

Such was the general reasoning I used; and shortly after the circumstance of England having determined to treat separately was known here, I received permission to see Count Nesselrode officially, and he invited me by note, under date of February 6 (O. S.), stating the fact as communicated to him by the British ambassador, of his Government having determined to act *separately*, and inviting any communication I might think proper to make. At my solicitation he appointed the Saturday following for our first meeting upon the northwest question. I was happy to find at this meeting that the Russian Government was as well disposed to treat with us as ever. Various conferences have since taken place, from my notes of all which (as, in general, no protocol was drawn up) I shall endeavor to make a short statement in the following sheets.

FIRST CONFERENCE.

Count Nesselrode received me by appointment, at his own house, on Saturday, February 9, at eight o'clock in the evening. He opened the business of the northwest coast negotiation by declaring that he believed it would be best for us to waive all discussion upon abstract principles of *right* and upon the actual state of *facts*, and that we must

endeavor to settle the difference which had arisen between our Governments "on the basis which might be found most conformable to our *mutual interests.*" In answer, I stated that I was perfectly ready to accede to the course proposed by him, although I felt confident that the United States had nothing to apprehend from the strictest examination into their claims and pretensions, but that I must reserve to myself the right, which he would also of course retain on his part, of invoking, occasionally, such principles of national law and of alleging such facts as we might, respectively, deem necessary to the defence of the rights and interests of either party.

He then inquired whether I had prepared any *projet* of convention for the settlement of the disputed points in this question. I placed under his eye the two drafts of which the copies herewith sent are lettered D and E. (See the documents.) He promised that these papers should be submitted to the Emperor at an early day, and we parted with an understanding that he would give me notice when I could again [see] him upon the same business.

SECOND CONFERENCE.

Having received an invitation from Count Nesselrode, I waited on him on Wednesday, February 20, at one o'clock p. m. I found Mr. Poletica with the Count, and a *rescript* from the Emperor to these gentlemen was exhibited to me, empowering them to treat and adjust a settlement of the differences which had arisen in consequence of His Majesty's ukase of September 4 (16), 1821. (See paper lettered *f.*) I exhibited to them my power from the President of the United States to the same effect, and we exchanged copies of the same. Some informal talk then arose respecting the general merits of the question we had in hand. I shall give a very short statement upon this head, because, according to previous understanding with Count Nesselrode, who took no part in it, all discussion of this nature was *private* and *extra official.* I shall use the language in which we spoke.

M. de Poletica, among other things, has affirmed that the pretended declaration of Russia, in the dispute between Spain and England on the subject of Nootka, is only a gratuitous assertion on the part of Spain. It was answered that this assertion, made in the face of Europe, had not been denied at the time by Russia, and that from that it is to be concluded to be well founded until the proofs of the contrary were produced.

M. de Poletica has also pretended that the convention of 1819 only cedes to the United States the rights and pretensions of Spain to the territories *to the east* and *to the north* of the boundary line (which would, in effect, be the position of the greatest part of the northwest coast of America), so that, according to him, a perpendicular line ought to be drawn from the point where the forty-second parallel touches the Pacific Ocean; that is to say, that it ought to follow the *parallel of longitude* from this point towards the North Pole for finding the western limits of the United States. But, it has been answered to him, can M. de Poletica be ignorant that the forty-second parallel of north latitude actually reaches across the great ocean, and that the coasts of the northwest are necessarily found *all to the north* of this parallel? Besides, these coasts having been included in the pretensions of Spain, in the year 1790, as far as Prince William's Sound, *all this territory* ought actually

to be comprised in the cession of the rights of Spain to the United States. Otherwise it can not be denied that, in the case of the cession not having been made to the United States, then the possession must necessarily still belong to Spain and can in no manner be claimed by Russia, &c.

After some further desultory conversation upon the same topics, the Count put into my hand a *contre projet*, consisting of a translation into French of the projet I had offered, with some insertions, alterations, and additions (see paper lettered *g*). I observed that the insertion in the second article was utterly inadmissible, as repugnant to the stipulations of the former article, and that, instead of the admission of American vessels solely to New Archangel, in the third article, I should propose the commercial principle adopted by the United States and England upon the same coast (indiscriminate admission, &c., for a limited period). That I must now frankly tell them that my instructions required that I should obtain two points as necessary conditions to the third object contemplated by the projet of convention. First, the revocation, either spontaneous or by convention, of the maritime provisions of the ukase of September 4 (16), 1821. Secondly, the adoption of the commercial principle (or something similar) agreed upon between the United States and Great Britain, in their convention of 1818, in relation to these coasts. Thirdly, that, these preliminaries being settled, a *territorial delimitation for settlements* at fifty-five degrees might be agreed upon.

Upon this Mr. Poletica assured me, with a strong asseveration, that *he* would never be brought to sign an instrument containing the principle of free admission for *our ships to their coasts*, whatever *the Count* might think proper to do. He continued to argue warmly against anything of the kind. I replied somewhat at length, and concluded by saying that, unless he could be brought to change his mind upon this point, it was more than probable *we* should be able to do nothing. Russia must then be content to *keep her ukase*, and other nations would only have to see what means they may possess of carrying on the northwest trade *in spite of it*. The Count took no share in this *a-parte* discussion, and when it concluded I told him that I should take his contre-projet home with me to consider it and make such further propositions as reflection should suggest. We agreed to meet again in three days.

THIRD CONFERENCE.

We met again at 8 o'clock in the evening of Saturday, February 23, when I presented my counter-projet (see paper lettered *h*), accepting the first article, and the second, with the omission of what they had inserted upon my first projet. With regard to the third article, I observed that the proposal of inserting 54° 40′ instead of 55°, with a view, as they explained it, of preserving to Russia two points of the island in which the port, called *Bucarelli* by the Spaniards, is situate, might [not] be absolutely inadmissible, although I should exceed my instructions in agreeing to it; but that at all events I must restore the phraseology I had used in the commencement of the article, as we could not admit for them or claim for ourselves *possessions*, except where there are actual establishments. Count Nesselrode stated that he had intentionally introduced the alteration in the phraseology, meaning thereby to secure their settlement near Bodeja (which lies *south* of the

line of delimitation) against all possible objection, if, indeed, they should hereafter consider it to be worth their while to continue it, and, provided also, that neither *Spain* nor *Mexico* should object to it. He would now, however, consent to adopt my phraseology, since it should seem that what lies *south* of Cape Mendocino cannot be correctly considered as being any part of the northwest coast. Coming to the latter part of the article as proposed by me, which substitutes, in lieu of admission to our vessels at the port of Archangel, a provision for their free admission *to all parts* of that coast, including a free trade with the natives, he appeared to consider this to be utterly inadmissible. Upon my persisting, however, to aver that nothing could be done without it, he consented, at least, to take the proposition *ad referendum*. I stated I had yet an alternative to offer, which, leaving the line of delimitation undecided, might settle all difficulties on our part; and I proposed to let the third article run as set forth in the paper lettered (*d*). It was not difficult to perceive that the utmost reluctance was felt in admitting the principle of free trade in any form. I thought it probable that this proposition would lead them to appreciate the advantage they might derive from delimitation, and prepare to be willing to pay the price of it.

FOURTH CONFERENCE.

After a fortnight's interruption, I met His Majesty's plenipotentiaries on Saturday, March 8, at 8 o'clock in the evening. Count Nesselrode stated that my last projet had been considered, and that there remained very little to be done to bring our projets together; that there were but two lines to be *omitted* and *one word* to be *altered* [see lines *in italic*, in paper (*h*)] viz, the words "*and the trade with the natives of the country*," to be omitted and the word "*ten*" to be exchanged for "*five*." I observed that, as the article would in that case remain, it would amount to a stipulation that we should enjoy for a very limited period, and as a privilege, what we are now entitled to by the law of nature, in common with all the independent nations, to wit, *the fisheries* upon an *unoccupied* coast, less infinitely than is permitted by this same projet upon all the other shores of the great ocean, where, by the preceding articles, as well as by common right, we may land and trade in unoccupied places. I therefore must at once declare the positive inadmissibility of that proposition. With regard to shortening the term for which a free trade was reciprocally to be granted, I could have no idea that it would be seriously pressed, being in itself so small an object. I then begged leave to place under his eye a short statement of principles and facts, which might have some weight in relation to the subject under consideration, and which I considered to be incontrovertible.

See paper lettered (*k*). Having read this with attention, he exclaimed, "Well, *here is a convention*. We must see if 'tis not possible to come to an arrangement." He then stated that there could, however, now remain only one mean of accommodating the existing difference. This he would state hypothetically (supposing the possibility of the Emperor's permitting the stipulation of a free trade for ten years to be agreed to). It was a proposition which *perhaps* would be made to me at a future meeting. It would be intended to prohibit the trade in

firearms and ammunition. He went into a recapitulation of the complaints of Mr. Daschkoff and Count Pahlen, on account of the injuries arising from the firearms furnished to the natives by our citizens. I took occasion here to declare that all these proceedings of the Russian Government were founded in *erroneous* impressions, and arose from their having improperly conceived that they had *a right* to regulate our commerce upon a coast which, being unoccupied, was free and open to all nations. It was clear that they had no right to demand any regulation of the kind. He replied, they did not now, of course, expect any arrangement which should not be marked by *reciprocity*. I remarked that any restriction of the kind would be in many respects liable to objections; that the first which presented itself to my mind was that such a regulation could not be carried into effect without admitting a right of search, which was wholly inadmissible in time of peace. He replied, they had no intention of proposing anything of the kind, for that they would be satisfied with the right of *making representations* to our Government in case of the infraction of the regulation which should be adopted by our traders.

I remarked that if the restriction could be carried into effect as regards our vessels and their own, that it would be giving a premium to the traders of other nations—for example, to the English or to the Dutch, who have considerable possessions west of the Pacific, or to the Portuguese of Macao, or to the Mexicans, since Mexico may now be considered as a State—all of whom would enjoy the faculty of carrying on a trade, voluntarily relinquished by ourselves, in arms and ammunition, articles which appear to be much coveted by the natives of those coasts. I was answered that the English were ready to give up, altogether, the right of trading to the coasts, which would accrue to Russia by the arrangements about to be made (a circumstance, by way of parenthesis, which was fully confirmed to me by Sir Charles Bagot, in a subsequent conversation), and that Russia has the means of influencing all other nations to abstain from a trade which would be no longer open, except in the form she should please to give it. I still objected to the *impracticability* of the project, and intimated my apprehensions that it would only be a pretext for vexations, stating, however, that the question was new to me and entirely unprovided for in my instructions, but that I was bound, at least, to consider any proposition they might think proper to offer. We then parted, the Count promising to notify me when I could have another meeting with him.

SUBSEQUENT CONFERENCES.

Considerable delay occurred after the conference of the 8th March, occasioned partly, as I understood, by the indisposition of the Emperor, and partly, too, as I supposed, to give time for consultation with the directors of the Russian American Company. At length, on the morning of the 22d March, Mr. Poletica called upon me, and stated that he had now a project to offer on the part of his Government (see paper lettered *l*), and that he would leave it with me for consideration. Among other things, he observed that the prohibition of a trade in arms and ammunition would be a *sine qua non*, and that the Emperor wished, in views of benevolence, to add thereto all kinds of spirituous liquors. This was confirmed to me by Count Nesselrode's note of 20th

March (see paper lettered *m*). Mr. Poletica stated that Count Nesselrode proposed to receive me on Monday, the 24th instant, at his house, at one o'clock p. m.

Accordingly I attended on Monday, the 24th March, and offered the projet (lettered *n*). The argument this day turned generally upon the restrictions proposed to be imposed upon the trade. The sale of arms to savages, whose blind passions are unrestrained by any moral tie, must be equally pernicious to themselves and all who come within their reach. The greatest objection to this prohibition appeared to me to be that the restriction may be converted into a pretext for vexations upon our commerce, if seizure or confiscation were permitted; and, on the other hand, it seemed likely that all other modes of carrying the prohibition into effect would prove nugatory. I had been told, however, that they would be satisfied with its interdiction under such penalties as we might think proper to impose; that in case of infraction they would content themselves with *representations* to the Government; but that, finally, the measure was a *sine qua non*. In order to meet this proposition, I had drawn up the article as it stands in the projet, as, upon the whole, I concluded that our Government will probably consider the proposal as less objectionable than at a former period, from considerations, at least, of *reciprocity*, *now* that we have an acknowledged territory upon the western coast, and when, too, it might perhaps be unavailing to attempt to resist the claims of Russia, likely so soon to be fully acknowledged by Great Britain.

On the 28th Mr. Poletica brought me the projet lettered (*o*). It now appeared to me that the latter part of the fourth article, "that the reciprocal right shall cease," &c., had still too much the appearance of a substantive stipulation, although I had changed it from an entire article in their projet of the 22d of March, so as to stand as an accessory to the preceding stipulation of an open trade. In the fifth article, their expression "of arbitrary measures" did not appear to me to be sufficiently precise, as it left them at liberty to adopt *regulations* and to carry them into effect, because it could not be said that such regulations were arbitrary. For these reasons, I proposed at our meeting on the 31st that the fourth and fifth articles should stand as set forth in the projet lettered (*p*).

The fourth article became the subject of warm debate during the three meetings upon the 31st of March and the 1st and 2d of April; at the last of which they proposed that I should sign a protocol of the tenor of that lettered (*q*). This was refused by me as asserting what was evidently untrue, to wit, that the two forms specified therein *meant the same thing;* but I consented to sign another protocol, of which one of the originals is forwarded herewith, lettered (*r*). The protocol of signature is lettered (*s*), and the convention (*t*).

Such is the sum and substance of what passed in our conferences, as extracted from the short notes I made directly after each meeting. If it should appear to be meagre and desultory, this must be accounted for from the circumstance that we had set out disclaiming all *regular discussion* of right or of fact; and if anything approaching to it was resorted to, it was only when I deemed some statement absolutely necessary to support our pretensions; but in general everything of the nature of *discussion* appeared to be carefully avoided by the adversary.

I now beg leave to add a few observations on the convention as concluded.

In order to judge equitably the merits of this convention (or indeed of any other), it may be necessary to make some allowance for the circumstances in which it was negotiated.

In the very outset of this negotiation the *defection* of England was a circumstance of a character likely to throw great difficulties in the way of it. *This* was occasioned, as I am well informed, partly by a conviction that *our* interests were different from if not directly opposed to *hers*, and partly, too, by the notion that *the doctrine* of the President's message *respecting colonization upon the American continent* must be peculiarly displeasing to Russia, and such as would render the negotiation much more difficult for the United States than for Great Britain. The latter power appears to have given over all thoughts of *keeping open* the trade upon the Northwest coast of America. Her object in this negotiation seems to be to obtain an abandonment of the extravagant maritime pretension set up by Russia, and at the same time to acquire for herself territorial rights over such portion of the shores of the American continent as may secure her free egress from her interior possessions, lying towards the east into the Pacific Ocean. Whenever these rights have been acknowledged, she will probably use her accessorial maritime domain for the purpose of excluding other nations from trading within her jurisdiction. With these prospects we must not indulge in the expectation of her renewing the trading privilege we now enjoy within her limits, unless it be made the price of our acknowledgment of a line of delimitation.

From the commercial activity which prevails universally at this day it is not to be expected that any coasts upon which valuable articles of trade are obtained can long continue unappropriated. That this should have been the case up to the present time upon the northwest coasts of America can be only accounted for from the circumstance of those regions being of extreme difficult access to all the inhabitants of Europe by reason of their remoteness from that part of the globe; while at the same time the wars which have generally absorbed the attention of the whole civilized portion of mankind almost continually since the discoveries of Captain Cook have prevented their importance being duly appreciated. In the short period of peace which intervened between the first American war and those of the French revolution several expeditions were undertaken, which indicate that the general opinion of that importance had begun to prevail. That of M. de la Perouse, and that of Marchaud, by the French; those of Vancouver, and other English navigators; several voyages undertaken by enterprising citizens of the United States, and lastly, the affair of Nootka Sound, all go to prove how general an opinion prevailed of the value of the trade in furs, above all, with reference to the China market. During a length of time the Russians had enjoyed the benefit of supplying that market with furs obtained either in their Asiatic possessions or in the American islands, although they are obliged to transport them from Okhotsk by land carriage to Kiachta, thence to introduce them by Malmaichin, the only *port of entry* for all the borders between Russia and China. They have been anxious, on account of the delay and expense attendant upon this route, to establish a right of admission for their vessels into Canton, where all European flags are admitted; but they have been hitherto prevented from doing so by some strange caprice of the Chinese.

The confusion prevailing in Europe in 1799 permitted Russia (who

alone seems to have kept her attention fixed upon this interest during that period) to take a decided step towards the monopoly of this trade, by the ukase of that date, which trespassed upon the acknowledged rights of Spain; but at that moment the Emperor Paul had declared war against that country as being an ally of France. This ukase, which is, in its *form*, an act purely domestic, was never notified to any foreign State with injunction to respect its provisions. Accordingly it appears to have been passed over unobserved by foreign powers, and it remained without execution in so far as it militated against their rights. The partial success of this measure seems, however, to have encouraged the yet more bold assumptions of the ukase of September, 1821. It may easily be imagined how much a *fancied* but equally *unquestioned* (either by themselves or others) *possession* during upwards of twenty years must have strengthened the opinion the Russians had of their own rights. I have reason to know that even in the Emperor's mind this conviction had taken strong hold. When urged both by England and America to recede from his territorial pretensions, he expressed himself ready to undo his own act, but declared that the act of his father must be maintained. The fifty-fifth degree was therefore a barrier not to be broken through; and a further small addition was required because the point of an island was cut off by that parallel. In consequence of this, it was urgently pressed by the Russian plenipotentiaries to make the line of delimitation run upon the parallel of 54° 40′, a small deviation from the instructions I had received. To this I thought I could, without impropriety, accede. To show how much importance they attach to the parallel of 54° 40′, it may now be mentioned that it is only upon this point that the negotiation with Great Britain has been broken off. England had agreed to accept this delimitation *upon the islands*, but insisted upon carrying her territorial claim *upon the continent* up to 56° and some minutes, in order to retain the mouth and course of a river which disembogues about that latitude, and as being necessary to the convenience of certain posts established in that neighborhood by the Northwest and Hudson's Bay companies; but Russia has decidedly refused to accede to that delimitation, and Sir Charles has sent for further instructions.

It may, perhaps, be thought that, as certain restrictions upon our trade were insisted upon, which were not provided for in any instructions, I ought to have deferred the signature of the convention, and to have sent home for further instructions. Such would have been my course had I not apprehended that the question of delimitation between England and Russia must certainly, long before I could have any answer, be settled one way or other without our participation, and that we should then have no equivalent to offer for the trade we covet upon their shores, as neither of these nations seem disposed to consider as valuable any like advantage we may have it in our power to grant.

It may possibly, too, be objected, upon a superficial view of the convention, that it surrenders a permanent *right* to a community of trade upon the northwest coast in exchange for a *privilege* which is to expire in ten years. In answer to this objection, I submit that this right must always have been held subject to extinguishment whenever the maritime domain, incident to actual occupation and settlement, shall be acquired by any nation upon those coasts; and I beg leave further to remark upon the same point, that I kept it always in recollection that when the stipulation of the fourth article, for liberty of trading with the natives, shall have expired by its own limitation, these coasts, in

so far as they may then remain unoccupied, will fall into the general category of *unoccupied places upon the coasts of the great ocean.*

The Russian plenipotentiaries had been all along particularly anxious to introduce into the convention a *substantive* stipulation, that the privilege to trade upon these coasts should absolutely *cease* after ten years. An example of this may be seen in their projet of March 22, in which it formed the subject of the fifth article. Such a stipulation I perseveringly resisted in all shapes, declaring that we retained a hope that our trade would become valuable and indispensable to their settlements before the expiration of the period specified, and that I was not authorized to enter into any stipulation of that nature. After three conferences, in which this point was the principal subject of contest, they consented to adopt my projet of a fourth article, with the explanation to be seen in the protocol of the 2d of April, "that *the reciprocal right* to trade *granted by this stipulation* can not be extended beyond said term but by mutual consent." This appeared to satisfy them, although it can by no means change the nature or character of the article, and only admits that the *privilege granted by the article* must cease by its own limitation—a proposition sufficiently evident from the terms of the article itself, and which can not affect the stipulations of other articles. As to the *mutual consent* necessary to the prolongation of the faculty granted by the article, it must be self-evident that if *that* were not necessary to *its existence in the form* allowed by the article, the article itself would have been altogether without an object. But with regard to *the trade in unoccupied places*, as permitted by the permanent articles, I am confident in the opinion that *all the shores of the great ocean* upon which the parties to this contract have any claim will continue open to them, respectively, for its pursuit under these stipulations.

The specific and particular privileges granted by the article (which, upon examination, will be found to contain an *extension* of the general privileges embraced by the preceding articles) will, of course, cease after ten years, unless renewed by mutual consent.

The entire article was offered in conformity to the spirit of the instruction, although the tripartite convention anticipated by the instruction had not been concluded, because the agreement for an open trade upon that portion of the coast claimed by England has yet five years to run.

Such are my views of this subject. I have only to hope that I may not have mistaken those of my Government. If I have erred in concluding this convention, which may, indeed, in some degree disappoint just expectation, I shall console myself, knowing that I have done so under the impression that I was bound to take upon myself the responsibility of this act, rather than to suffer, through a fear of incurring a disavowal of it, that the public interest should risk a loss by my letting pass an opportunity of securing advantages which can never again offer.

You will be aware, sir, how anxiously I must expect your answer, by which I shall be enabled to ascertain how far the President will approve of what I have done.

I have the honor to be, sir, most faithfully, your obedient servant,

HENRY MIDDLETON.

P. S.—In stating the communication made to me by the British ambassador, respecting the determination of his court to treat sep-

arately from the United States with Russia, I omitted to mention that he at the same time informed me that he was instructed, in case he should form a convention with Russia, without our being admitted to treat, to insert in it a saving clause for the rights of other states, similar to that contained in our convention of October 20, 1818. Since the conclusion of the negotiation on our part the British ambassador has furnished me with a copy of his instruction *ad hoc.* (See paper lettered *v.*)

H. M.

The SECRETARY OF STATE OF THE UNITED STATES.

No. 35 (*a*) *is the full power of Sir Charles Bagot.*

No. 35 (*b*).

Extract of a letter from Mr. Rush to Mr. Middleton.

LONDON, *December 6, 1823.*

I received, in the course of the past summer, instructions from our Government to open negotiations with this Government upon a great variety of subjects interesting to the two countries; and amongst others, on that of the Russian ukase of September, 1821, relative to the Northwest Coast of America. As you are in possession of a copy of the Secretary of State's letter to me of the second [22d] of July, on this last subject, I need say nothing at present respecting it. I write on this occasion barely to inform you that, as yet, the negotiations have not commenced on any one of the subjects which I have in charge, and of course, therefore, this of the Russian ukase remains also untouched. As I am instructed to correspond with you upon this subject, as well as upon that relating to the suppression of the slave trade, I will take care to do so as events may render it necessary and proper after the negotiations shall have been entered upon. I have announced to this Government my entire readiness to commence them, but am still unable to say at what precise time a beginning will be made.

I will also apprise you in due time of the results that may attend my discussions upon all the other subjects.

Extract of a letter from Mr. Rush to Mr. Middleton.

LONDON, *December 22, 1823.*

In an interview that I had with Mr. Canning last week I made known to him, as preparatory to the negotiation, the views of our Government relative to the Northwest Coast of America. These, as you know, are:

First, That, as regards the country westward of the Rocky mountains, the three powers, viz: Great Britain, the United States, and Russia, should jointly agree to a convention, to be in force ten years, similar in its nature to the third article of the convention of October 18, 1818, now subsisting between the two former powers; and secondly, that the United States would stipulate not to make any settlements on that coast north of the fifty-first degree of latitude, provided Great Britain would stipulate not to make any south of 51° or *north of fifty-five;* and Russia not to make any south of 55°.

Mr. Canning expressed no opinion on the above propositions further than to hint, under his first impressions, strong objections to the one which goes to limit Great Britain northwards to 55°. His object in wishing to learn from me our propositions at this point of time was, as I understood, that he might the better write to Sir Charles Bagot on the whole subject to which they relate.

No. 35 (*c*).

Extract of a letter from Mr. Rush to Mr. Middleton.

LONDON, *January 9, 1824.*

I have heretofore written to you on the 6th and 22d of December, and have now to inform you that from interviews which I have had with Mr. Canning since the present month set in, I find that he will decline sending instructions to Sir Charles Bagot to proceed jointly with our Government and that of Russia in the negotiation relative to the Northwest Coast of America; but that he will be merely informed that it is now the intention of Great Britain to proceed separately.

Mr. Canning intimated to me that to proceed separately was the original intention of this Government, to which effect Sir Charles Bagot had been instructed, and never to any other; and that Sir Charles had only paused under your suggestions to him of its being the desire of our Government that the three powers should move in concert at St. Petersburg upon this subject.

The presumption of its original course by this Government has arisen chiefly from the principle which our Government has adopted, of not considering the American continents as subjects for future colonization by *any* of the European powers—a principle to which Great Britain does not accede.

I have informed the Secretary of State of the above intention of this Government. It will produce no alteration in my endeavors to obtain in negotiation here a settlement of the points as between the United States and Great Britain, respecting the Northwest Coast, in manner as my instructions lay them down to me.

No. 35 (*d*).

State of the Question.

The United States, by their discovery of the mouth of the Columbia river and by their subsequent *real occupation* and continued possession of a district on the same part of the Northwest Coast of America, have perfected their right of sovereignty to that territory.

By the third article of a convention with Great Britain, concluded October 20, 1818, they stipulated "that any country that might be claimed by either party on the Northwest Coast of America westward of the Stony mountains should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from that date, to all vessels, citizens,

and subjects, of the two powers, without prejudice to the claims of either party or of any other State."

By a convention with Spain of February 20, 1819, the United States acquired all the rights, claims, and pretensions, of that power to all the Northwest Coast lying north of the 42d parallel of latitude. The claims of Spain appear to have rested on *prior discovery*, as far as the 59th degree north. So far, then, as prior discovery can constitute a foundation of right, the Northwest Coast as far as the 59th degree north belongs to the United States by the transfer of the rights of Spain.

Great Britain has no establishment or possession on any part of the Northwest Coast. She has, therefore, no right, claim, or pretension to any portion thereof, except such as may result from the convention with Spain concluded October 28, 1790. It is, then, evident that her claim is concurrent with those of the United States, and can only reach to whatever point these last may be considered to extend.

It appears, then, that Russia and England can not make a definitive arrangement without the participation of the United States, or at least going to their exclusion. Any agreement which these two powers may make will be binding upon themselves, but cannot affect the rights of a third power.

The United States offer to Russia an article of the same import with that of October, 1818, with Great Britain, to be in force for the term of ten years. By offering free and equal access to navigation and intercourse within the limits to which their claims are indisputable, they concede much more than they obtain.

With regard to territorial claim, separate from any system of exclusion, they are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian Company, that is to say, latitude 55°.

If the Russian Government apprehends serious inconvenience from *illicit traffic* with their settlements, it may be guarded against by stipulations similar to those in the annexed projet.

No. 35 (*e.*)

Projet of the United States of February 8.

ARTICLE I. In order to strengthen the bonds of friendship and to preserve in future a perfect harmony and good understanding between the high contracting parties, it is agreed that their respective citizens and subjects shall not be disturbed or molested, either in navigating or in carrying on their fisheries in any part of the great ocean vulgarly called the Pacific or South Sea, or in landing on the coasts thereof in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, subject nevertheless to the restrictions and provisions specified in the following articles.

ARTICLE II. To the end that the navigation and fisheries in the great ocean carried on by citizens and subjects of the high contracting parties may not be made a pretext for illicit trade with their respective settlements, it is agreed that the citizens of the United States shall not land on any part of the coast actually occupied by Russian settlements, unless by permission of the Governor or commandant

thereof; and that Russian subjects shall, in like manner, be interdicted from landing without permission at any settlement of the United States on the Northwest Coast.

ARTICLE III. It is further agreed that no settlement shall be made hereafter on the Northwest Coast of America, or on any of the islands adjacent thereto, *north* of the 55th degree of north latitude, by citizens of the United States, or under their authority, nor by Russian subjects or under the authority of Russia, *south* of the same parallel of latitude.

No. 35 (*f*.) [is the full power of Count Nesselrode].

No. 35 (*g*.)

Counter Projet of Russia of February 20.

[Translation.]

ARTICLE 1. To cement the bonds of amity, and to secure, for the future, a good understanding and a perfect concord between the high contracting powers, it is agreed that, in any part of the great ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already be occupied, for the purpose of trading with the natives; saving, always, the restrictions and conditions determined by the following articles.

ARTICLE 2. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade with their respective establishments, it is agreed that the citizens of the United States shall not resort to any part of the coasts already occupied by Russian establishments, *or belonging to Russia, from the line of demarkation pointed out in the article below*, without the permission of the governor or commander of said establishments; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast, *from the same line of demarkation.*

ARTICLE 3. It is, moreover, agreed that, in the respective possessions of the two high powers on the Northwest Coast of America, or in any of the adjacent islands, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishments to the north of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, to the south of the same parallel.

[With admission of American vessels to New Archangel.]

No. 35 (*h*).

Counter Projet of the United States of February 23.

[Translation.]

ARTICLE 1. The article proposed by the projet of February 20 is accepted.

ARTICLE 2. Same, with the omission of these words, "*or belonging to Russia from the line of demarkation pointed out in the article below*," words repugnant to the stipulation expressed in the preceding article, which grants the power of resorting to points not occupied. The words which terminate this article, "*from the same line of demarkation*," ought also to be erased.

ARTICLE 3. The modification of the article which proposes for a line of demarkation *fifty-four degrees forty minutes* instead of 55° may be accepted, provided the article be conceived in the following manner:

It is, moreover, agreed that, hereafter, there shall not be formed any establishment upon the Northwest Coast of America, nor in any of the islands adjacent *to the north* of 54° 40′ of north latitude, by the citizens of the United States, or under the authority of said States; and on the other side there shall be none formed by Russian subjects, or under the authority of Russia, to the south of the same parallel. It is at the same time agreed, however, that the vessels of the two powers, or belonging to their citizens and subjects, may, reciprocally, frequent all the interior seas, gulfs, harbors, and creeks of the said coast, in order to carry on fishing [*and trade with the natives of the country*][a] without any hindrance or molestation whatever, during ten [*five*] years, to be counted from the date of signing the present convention.

No. 35 (*i*).

Second Counter Projet of the United States of February 23.

ARTICLE 3. The high contracting parties being unable at this time to adjust, to their mutual satisfaction, a line of demarkation for their respective possessions upon the Northwestern Coast of America, it is hereby agreed that all the said coast to which they respectively lay claim, together with all interior seas, bays, and creeks of the same, shall remain free and open to the vessels, citizens, and subjects of the two nations, reciprocally, without prejudice to the claims of either party, or of any other State, to the full end and term of ten years from the signature of this convention, or until the high contracting parties shall have come to some agreement respecting the aforesaid limitation of their possessions.

No. 35 (*k*).

[Translation.]

FOURTH CONFERENCE.

The dominion cannot be acquired but by a *real* occupation and possession, and an *intention* (animus) to establish it is by no means sufficient.

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[a] Words erased by the plenipotentiaries of Russia at the conference of March 8.

Now, it is clear, *according to the facts established*, that neither Russia nor any other European power has the right of dominion upon the continent of America between the 50th and 60th degrees of north latitude.

Still less has she the dominion of the adjacent maritime territory, or of the sea which washes these coasts, a dominion which is only accessory to the territorial dominion.

Therefore, she has not the right *of exclusion or of admission* on these coasts, nor in these seas, which are free seas.

The right of navigating all the free seas belongs, by natual law, to every independent nation, and even constitutes an essential part of this independence.

The United States have exercised navigation in the seas, and commerce upon the coasts, above mentioned, from the time of their independence; and they have a *perfect* right to this navigation and to this commerce, and they can only be deprived of it by their own act or by a convention.

No. 35 (*l*).

Project of a Convention offered by Russia on Saturday, March 22.

[Translation.]

His Majesty the Emperor of all the Russias and the Government of the United States of America, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their plenipotentiaries to this effect, to-wit: his Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, &c., and Pierre de Poletica, &c., and the Government of the United States of America, Henry Middleton, esquire, &c.; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

ARTICLE I. It is agreed that in any part of the great ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens and subjects of the high contracting parties shall be neither disturbed nor restrained either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already be occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles:

ARTICLE II. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting parties, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point of the coasts already occupied by Russian establishments, without the permission of the governor or commander of said establishments; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

ARTICLE III. It is moreover agreed *that, in the respective possessions* of the two high powers upon the Northwest Coast of America or in any of the adjacent islands, there shall not be formed by the citi-

zens of the United States, or under the authority of said States, any establishment to the north of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, to the south of the same parallel.

ARTICLE IV. It is, nevertheless, understood that the vessels of the two powers, or which belong to their respective citizens or subjects, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors and creeks in the possessions of Russia and of the United States of America on the Northwest Coast, for the purpose of fishing and trading with the natives of the country.

ARTICLE V. This reciprocal right of fishing and of trade is only granted for a term of ten years from the date of the signing of the present convention, at the end of which term it shall cease on both sides.

ARTICLE VI. From this time, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce, which the two powers engage not to sell nor allow to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority.

ARTICLE VII. The present convention shall be ratified, and the ratifications thereof shall be exchanged at St. Petersburg in the space of ———.

In faith whereof, the respective plenipotentiaries have signed it, and thereto affixed the seal of their arms.

Done at ——— the —— of the year of Grace 1824.

No. 35 (*m*).

Count Nesselrode to Mr. Middleton.

[Translation.]

The undersigned, Actual Privy Counsellor, Secretary of State directing the administration of Foreign Affairs, has had the honor to mention to Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the desire which the Emperor had of seeing arms, munitions, and spirituous liquors excepted from the articles of which the reciprocal trade might be declared free during ten years with the natives of the Northwest Coast of America, by the convention which Russia and the United States are upon the point of concluding.

The undersigned hastens to assure Mr. Middleton, by writing, that the immediate prohibition of the trade in arms and munitions with the natives is a condition to which his Imperial Majesty attaches the highest importance, a condition the absence of which would not permit him to give his assent to the rest of the treaty.

As to the prohibition of the trade in spirituous liquors the Emperor eagerly desires that it should be pronounced, and he does not doubt that Mr. Middleton and the Government of the United States [will] receive in the most favorable manner this wish, dictated by motives of humanity and morality.

The undersigned embraces with pleasure this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

ST. PETERSBURG, *March 20, 1824.*

No. 35 (*n*).

Projet of the United States of March 24.

[Translation.]

His Majesty the Emperor of all the Russias and the President of the United States of America, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their plenipotentiaries to this effect, to wit: his Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, &c., &c., and Pierre de Poletica, &c., &c., and the President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

ARTICLE I. It is agreed that in any part of the great ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens and subjects of the high contracting parties shall be neither disturbed nor restrained either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already be occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE II. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort *to any point where there is a Russian establishment*, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

ARTICLE III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest Coast of America, nor in any of the islands adjacent, to the north of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, to the south of the same parallel.

ARTICLE IV. It is, nevertheless, understood that the vessels of the two powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coast, for the purpose of fishing and of trading with the natives of the country. But the reciprocal right *granted by this article* shall cease, on both sides, after the term of ten years, to be counted from the signing of the present convention.

ARTICLE V. Fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives, by their respective citizens and subjects, nor by any person who may be under their authority. It being well understood that, in any case, this restriction shall not be considered to authorize, under the pretext of a

contravention of this article, the visit, or the detention of vessels, or the seizure of the merchandise, or, in fine, any vexations whatever, exercised towards the owners or the crews employed in this commerce; the high contracting powers, reciprocally, reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments due, in case of the contravention of this article by their respective citizens and subjects.

ARTICLE VI. When this convention shall have been duly ratified by his Majesty the Emperor of all the Russias, on one part, and on the other by the President of the United States, with the advice and consent of the Senate, the ratifications thereof shall be exchanged at Washington in the space of ten months from the date below, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at ——— the —— of the year of Grace 1824.

No. 35 (*o*).

Contre Projet of Russia, March 28.

[Translation.]

His Majesty the Emperor of all the Russias and the President of the United States of America, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their plenipotentiaries to this effect, to wit: his Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, &c., &c., and Pierre de Poletica, &c., &c., and the President of the United States of America, Mr. Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

ARTICLE 1. It is agreed that in any part of the great ocean, commonly called the Pacific ocean, or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained either in navigation or in fishing, or in the power of resorting to the coasts upon points which may not already be occupied for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE 2. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

ARTICLE 3. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of said States, any establishment upon the Northwest Coast of America,

nor in any of the islands adjacent, *to the north* of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *to the south* of the same parallel.

ARTICLE 4. It is, nevertheless, understood that the vessels of the two powers, or which belong to their respective citizens or subjects, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coasts, for the purpose of fishing and trading with the natives of the country. But the reciprocal right granted by this article shall cease, on both sides, after the term of ten years, to be counted from the signing of the present convention.

ARTICLE 5. Fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is stipulated always that this restriction shall never be deemed to authorize, under the pretext of a contravention of the present article, the visit or the detention of vessels, or the seizure of the merchandise, or, in fine, any arbitrary measures whatsoever exercised towards the owners or the crews employed in this commerce; the high contracting powers, reciprocally, reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments due, in case of the contravention of this article by their respective citizens or subjects.

ARTICLE 6. When this convention shall have been duly ratified by his Majesty the Emperor of all the Russias, on one part, and on the other by the President of the United States, with the advice and consent of the Senate, the ratifications thereof shall be exchanged at Washington in the space of ten months from the date below, or sooner, if possible. In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seal of their arms.

Done at ——— the —— of the year of Grace 1824.

No. 35 (*p*).

Projet of the United States, March 31.

[Translation.]

ARTICLE 4. It is, nevertheless, understood that, during a term of ten years, to be counted from the signing of the present convention, the ships of the two powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE 5. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from the commerce permitted by the preceding article; and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never serve for a pretext, nor be alleged, in any case, to authorize either the search or detention of vessels, or the seizure of

the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting powers, reciprocally, reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments due, in case of a contravention of this article by their respective citizens or subjects.

No. 35 (*q*).

Projet of Protocol.

[Translation.]

The undersigned, after having discussed in several conferences a projet of convention proposed for removing all the differences which have arisen between Russia and the United States of America, in consequence of a regulation published by the former of these powers, on the 4th (16th) September, 1821, definitively drew up the different articles of which this convention is composed, added to them their sign manual, and mutually engaged to sign them as they are found annexed to the present protocol.

In drawing up the 4th of these articles, the plenipotentiaries of Russia recollected that they had proposed to the plenipotentiary of the United States to arrange the said article in the following terms:

ARTICLE 4. "It is, nevertheless, understood that the ships of the two powers, or which belong to their citizens or subjects, respectively, may mutually frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coast, for the purpose of there fishing and trading with the natives of the country. But the reciprocal right granted by this article shall cease, on both sides, after a term of ten years, to be counted from the signing of the present convention."

ARTICLE 4. "*It is, nevertheless, understood that, during a term of ten years, to be counted from the signing of the present convention, the ships of the two powers, or which belong to their citizens or subjects, respectively, may mutually frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coast, for the purpose of there fishing and trading with the natives of the country.*"

The plenipotentiaries of Russia added, that, after agreeing to this arrangement, the plenipotentiary of the United States had afterwards invited them to change the ending of this very article, and to agree to it as it is transcribed opposite, observing that this second arrangement, more conformable to the letter of the instructions which he had received, in no way altered the sense of that which had been proposed by the plenipotentiaries of Russia.*

The plenipotentiary of the United States having repeated this observation, the article in question was signed with the modification which he had demanded to be there introduced.

After which, all the other articles were also signed, and it was resolved to proceed to the signature of the convention itself the —— following. Done at St. Petersburg, the ——, 1824.

All this in italics rejected, and filled up as stands in the protocol (*r*.)

No. 35 (*r*).

Protocol.

[Translation.]

The undersigned, after having discussed in several conferences a projet of a convention proposed for settling all the differences which arose between the United States of America and Russia, in consequence of a regulation published by the latter of these powers, on the 4th (16th) September, 1821, definitively drew up the different articles of which this convention is composed, added to them their sign manual, and mutually engaged to sign them as they are found annexed to the present protocol.

In drawing up the 4th of these articles, the plenipotentiaries of Russia recollected that they proposed to the plenipotentiary of the United States to arrange the said article in the following terms:

ARTICLE 4. "It is, nevertheless, understood that the ships of the two powers, or which belong to their citizens or subjects, respectively, may mutually frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks upon the said coast, for the purpose of there fishing and trading with the natives of the country. But the reciprocal right granted by this article shall cease, on both sides, after a term of ten years, to be counted from the signing of the present convention."

The plenipotentiaries of Russia added, that, after agreeing to this arrangement, the plenipotentiary of the United States had afterwards invited them to change the ending of this very article, and agree to it as it is found signed in the convention, observing that this second arrangement, more conformable to the letter of the instructions which he received, is the only one which he thinks himself authorized to sign; but, moreover, that this arrangement does not essentially alter the sense of that which had been proposed by the plenipotentiaries of Russia, because, at the end of the term mentioned, the stipulation ceasing equally by the two arrangements, the reciprocal power of trading granted by that stipulation cannot be prolonged beyond the said term but by mutual agreement.

Under these observations the article in question has been signed, with the modification which the plenipotentiary of the United States had demanded to be there introduced.

After which, all the other articles were also signed respectively, and it was resolved to proceed to the signature of the convention itself on the fifth following.

Done at St. Petersburg, April 2, (14,) 1824.

HENRY MIDDLETON.
NESSELRODE.
POLETICA.

No. 35 (*s*).

Protocol.

[Translation.]

The undersigned, having engaged by the protocol of their last conference to sign on the 5th April of the present year the convention of

which they signed all the articles, assembled this day at two o'clock in the afternoon, at the hotel inhabited by Count Nesselrode, and after having duly collated with the said articles the two copies of the convention which they had caused to be prepared, they have attached to both their respective signatures and the seal of their arms.

Done at St. Petersburg, April 5, (17,) 1824.

HENRY MIDDLETON.
NESSELRODE.
P. POLETICA.

No. 35 (*v.*). [Extract, Mr. Canning to Sir Charles Bagot, *post* p. 149.]

Mr. Middleton to Mr. Adams.

No. 38.] ST. PETERSBURG, *30/18 August 1824.*

SIR: * * *

I should not omit upon this occasion to state that Sir Charles Bagot has informed me since the Emperor's departure, that no arrangement upon the territorial question between Russia and England on the northwest coast has taken place, both parties insisting upon the points I have stated in a former despatch. The ambassador having taken his leave, and intending to depart in a very short time, all farther negotiation upon this point must of course be left to his successor.

I can not quit this subject without mentioning that I have anxiously examined the Congressional proceedings of the last session, hoping to discover that some legislative provision might have been made for strengthening our establishment upon the northwest Coast. From various indications perceptible in the course pursued by England in relation to this question, it would appear that her views embrace a large portion of this Coast, the monopoly of the trade to which she will one day or other endeavor to secure to herself, unless her measures be counteracted by some actual occupation. If in addition to the Fort at Astoria, the United States should establish a military post at some point within the Streights of Fuca, say on the left bank of the first bold river discharging its waters into the interior Sea of which those streights form one of the mouths; these two posts, together with the southern boundary secured by our treaty of limits with Spain, would establish an undoubted right to as much of that territory as it would in all probability be desirable to hold. If some measure of this kind be not carried into effect, our northern boundary will, at some future time, become a matter of difficult adjustment, and possibly a source of angry discussion or even war with England.

* * * * * * *

I have, etc.,

HENRY MIDDLETON.

Minister of Finance to the Board of Administration of the Russian-American Company.

ST. PETERSBURG, *September 4, 1824.*

The communication of the 12th June, 1824, presented to me by the Directors of the Company, containing their remarks on the conse-

quences which may result from the ratification of the Convention concluded 5th April, 1824, between our Court and the North American Republic, was communicated by me at that time in the original to the Minister in charge of the Ministry of Foreign Affairs. Having now received from him the information that the recorded Protocol of the proceedings of the Special Committee which examined this subject by Imperial order has received the full and entire approval of His Imperial Majesty, I think it necessary to communicate to the Board of Administration of the Russian-American Company, for their information, copies of the above-mentioned communication of Count Nesselrode to me, and also the proceedings of the Committee of the 21st July, 1824, inclosed in it, together with a draft of a communication to me, prepared by his Excellency; which was also read in the above-named Committee and was left unsigned after it had been given final consideration.

From these documents the Board will see that, for the avoidance of all misunderstandings in the execution of the above-mentioned Convention, and in conformity with the desire of the Company, the necessary instructions have already been given to Baron Tuyll, our Minister at Washington, to the effect that the north-western coast of America, along the extent of which, by the provisions of the Convention, free trading and fishing are permitted subjects of the North American States, extends from 54° 40′ northwards to Yakutat (Bering's) Bay.

Lieutenant-General KANKRIN,
Minister of Finance.

Y. DRUSHININ, *Director.*

DIPLOMATIC CORRESPONDENCE RELATING TO THE TREATY OF 1825 BETWEEN GREAT BRITAIN AND RUSSIA.

Baron Nicolay to the Marquis of Londonderry.—(Received November 12.)

LONDRES, *le 31 Octobre (12 Novembre), 1821.*

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies, s'empresse de s'acquitter auprès de son Excellence M. le Marquis de Londonderry des ordres qu'il vient de recevoir de sa Cour en portant à la connaissance du Ministère Britannique la communication suivante.

Au moment de renouveler le privilège de la Compagnie Russe-Américaine et de soumettre à une révision les Règlemens concernant ses opérations commerciales, le Gouvernement Impérial a dû vouer une attention particulière aux plaintes auxquelles ont plus d'une fois donné lieu les entreprises de contrebandiers et d'aventuries étrangers sur les côtes nord-ouest de l'Amérique appartenant à la Russie. Il a été reconnû que ces entreprises n'ont pas seulement pour objet un commerce frauduleux de pelleteries et autres articles exclusivement réservés à la Compagnie Russe-Américaine, mais qu'elles paroissent souvent même trahir une tendance hostile; attendû que des gens sans aveu viennent fournir des armes et des munitions aux naturels dans les posessions Russes d'Amérique, et qu'ils les excitent en quelque sorte à la résistance et à la révolte contre les autorités qui s'y trouvent établies. Il étoit donc essentiel e'opposer des mesures sévères à ces menées, et de garantir la Compagnie contre les préjudices sensibles qui en résultoient pour elle, et c'est dans cette vue que le Règlement ci-joint vient d'être publié.

Après avoir ainsi exposé les motifs qui ont dicté ce Règlement, le Soussigné a ordre d'y ajoutor les explications suivantes.

Le nouveau Règlement n'interdit point aux bâtimens étrangers la navigation dans les mers qui baignent les possessions Russes sur les côtes nord-ouest de l'Amérique et nord-est de l'Asie. Une défense pareille, qui'l n'eût pas été difficile d'appuyer d'une force navale suffisante, auroit été à la vérité le moyen le plus efficace de protéger les intérêts de la Compagnie Russe-Américaine, et elle sembleroit en outre fondée sur des droits incontestables. Car, d'un côté éloigner une fois pour toutes, des plages indiquées ci-dessus, les navires étrangers, c'étoit faire cesser à jamais les entreprises coupables qu'il s'agit de prévenir. D'un autre côté, en considérant les possessions Russes qui s'étendent, tant sur la côte nord-ouest de l'Amérique, depuis le Détroit de Behring jusqu'au 51° de latitude septentrionale, que sur la côte opposée d l'Asie et les îles adjacentes, depuis le même détroit jusqu'au 45°, on ne sauroit disconvenir que l'espace de mer dont ces possessions forment les limites ne réunisse toutes les conditions que les publicistes les plus connus et les mieux accrédités ont attachées à la définition *d'une mer fermée*, et que

par conséquent le Gouvernement Russe ne se trouve parfaitement autorisé à exercer sur cette mer des droits de souveraineté, et nommément celui d'interdire l'approche aux étrangers. Cependant, quelque importantes que fussent les considérations que réclamoient une semblable mesure, quelque légitime qu'elle eût été en elle-même, le Gouvernement Impérial n'a pas voulû, dans cette occasion, faire usage d'une faculté qui lui assurent les titres de possession les plus sacrés, et que confirment d'ailleurs des autorités irréfragables. Il s'est borné au contraire, comme on a lieu de s'en convaincre par le Règlement nouvellement publié, à défendre à tout bâtiment étranger, non seulement d'aborder dans les Établissemens de la Compagnie Américaine, comme dans la presqu'île du Kamtchatka et les côtes de la Mer d'Ochotsh, mais aussi de naviguer le long de ces possessions et en général, d'en approcher à une distance de 100 milles d'Italie.

Des vaisseaux de la marine Impériale viennent d'être expédiés pour veiller au maintien de cette disposition. Elle nous paroit aussi légale qu'elle a été urgente. Car, s'il est démontré que le Gouvernement Impérial eut eu à la rigueur la faculté de fermer entièrement aux étrangers cette partie de l'Océan Pacifique, que bordent nos possessions en Amérique et en Asie, à plus forte raison le droit en vertu duquel il vient d'adopter une mesure beaucoup moins généralement restrictive doit ne pas être révoqué en doute. Ce droit est en effet universellement admis, et toutes les Puissances Maritimes l'ont plus ou moins exercé dans leur système colonial. Enfin, l'usage que le Gouvernement Impérial vient d'en faire en faveur de la Compagnie Russe-Américaine, ne sauroit préjudicer aux intérêts d'aucune nation attendû qu'il n'est guère à supposer, qu'outre les exceptions spécifiées dans notre Règlement, un vaisseau étranger quelconque puisse avoir des motifs réels et légitimes pour relâcher aux Établissemens Russes. La Cour Impériale aime donc à espérer que les Puissances auxquelles ce nouveau Règlement est communiqué reconnoitront les considérations majeures qui lui ont servi de base, et que, par une suite des relations de paix et de bonne harmonie qui subsistent entre elles et la Russie, elles n'hésiteront pas à imposer à leurs sujets respectifs le devoir de s'y conformer strictement, afin de prévenir les inconvéniens auxquels une contravention de leur part donneroit lieu nécessairement.

Les officiers commandant les bâtimens de guerre Russes qui sont destiné à veiller dans l'Océan Pacifique au maintien des dispositions susmentionnées, ont reçû l'ordre commencer à les mettre en vigueur envers ceux des navires étrangers qui seroient sortis d'un des ports de l'Europe après le 1er Mars, 1822, ou des États-Unis après le 1er Juillet. A dater de ces époques aucun navire ne pourra plus légalement prétexter l'ignorance du nouveau Règlement.

Le Soussigné saisit, &c.

LE BARON DE NICOLAY.

[Translation.]

Baron Nicolay to the Marquis of Londonderry.—(Received November 12).

LONDON, *October 31st* (*November 12*), *1821.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all Russia, hastens to make known

to His Excellency the Marquis of Londonderry the orders which he has just received from his Court by bringing to the attention of the British Ministry the following communication.

On the point of renewing the privilege of the Russian-American Company and submitting to a revision the rules concerning its commercial operations, the Imperial Government was obliged to devote special attention to the complaints to which the undertaking of smugglers and foreign adventurers on the north-west coast of the America belonging to Russia have more than once given rise. It has been recognized that those undertakings have not only as an object a fraudulent trade in furs and other articles exclusively reserved to the Russian-American Company, but that they appear even often to betray a hostile tendency; inasmuch as vagabonds come and furnish arms and ammunition to the natives in the Russian Possessions of America and as they excite them to a certain extent to resistance and rebellion against the authorities which are established there. It was then essential to oppose severe measures to those proceedings and to guarantee the Company against the considerable losses which resulted from them, and it is with this view that the regulation herewith has just been published.

Having thus set forth the motives which have dictated this regulation, the Undersigned is instructed to add to it the following explanations:

The new regulation does not forbid foreign vessels to navigate in the seas which wash the Russian Possessions on the North-West Coasts of America and North-East of Asia. Such a prohibition which it would not have been difficult to support with a sufficient naval power, would have been, in truth, the most efficacious way to protect the interests of the Russian American Company, and it would seem besides to be based on unquestionable rights. For, on the one hand, to keep away foreign vessels, once for all from the coasts mentioned above was to stop forever the guilty enterprise the prevention of which is under consideration. On the other hand, in considering the Russian Possessions which extend both on the North-West Coast of America from Behring's Straits to 51° of north latitude and on the opposite coast of Asia and the adjacent islands from the same straits to the 45°, it cannot be denied that the space of sea of which those possessions are the limits does not unite all the conditions which the best known and best accredited publicists have applied to the definition, a close sea (une mer fermée) and that consequently the Russian Government does not find itself absolutely authorized to exercise on that sea rights of sovereignty and especially that to forbid the approach of foreigners. Nevertheless however important were the considerations which demanded such a course, however justifiable it was in itself, the Imperial Government did not wish, on that occasion, to make use of a privilege which the most sacred titles of possession assure to it and which moreover unquestionable authorities confirm. It contented itself, on the contrary, as may be seen by the regulations newly published, with forbidding all foreign vessels, not only to land at the Establishments of the American Company and on the peninsula of Kamtchatka and the coasts of the Sea of Ochotsk, but also to navigate along those possessions, and, in general, to approach them within a distance of 100 Italian miles.

2. Some vessels of the Imperial Navy have just been despatched in order to enforce the maintenance of that provision. It appears to us

Il était donc essentiel d'opposer des mesures sévères à ces menées, et de garantir la Compagnie contre les préjudices sensibles qui en résultoient pour elle; et c'est dans cette vue que le Règlement ci-joint vient d'être publié. Les Missions Impériales sont invitées à le porter à la connaissance des Gouvernements auprès desquels elles sont accrédités, et à leur exposer les motifs qui l'ont dicté en y ajoutant les explications suivantes.

Le nouveau Règlement n'interdit point aux bâtimens étrangers la navigation dans les mers qui baignent les possessions Russes sur les côtes nord-ouest de l'Amérique et nord-est de l'Asie. Une défense pareille qu'il n'eût pas été difficile d'appuyer d'une force navale suffisante, auroit été, à la vérité, le moyen le plus efficace de protéger les intérêts de la Compagnie Russe-Américaine, et elle sembleroit en outre fondée sur des droits incontestables. Car, d'un côté éloigner une fois pour toutes, des plages indiquées ci-dessus, les navires étrangers, c'étoit faire cesser à jamais les entreprises coupables qu'il s'agit de prévenir. D'un autre côté, en considérant les possessions Russes qui s'étendent, tant sur la côte nord-ouest de l'Amérique, depuis le Détroit de Behring jusqu'au 51° de latitude septentrionale, que sur la côte opposée de l'Asie et les îles adjacentes, depuis le même détroit jusqu'au 45°, on ne sauroit disconvenir que l'espace de mer dont ces possessions forment les limites ne réunisse toutes les conditions que les publicistes les plus connûs et les mieux accrédités ont attachés à la définition *d'une mer fermée*, et que par conséquent le Gouvernement Russe ne se trouve parfaitement autorisé à exercer sur cette mer des droits de souveraineté, et nommément celui d'en interdire l'approche aux étrangers. Cependant quelque importantes que fûssent les considérations que réclamoient une semblable mesure, quelque légitime qu'elle eût été en elle-même, le Gouvernement Impérial n'a pas voulu, dans cette occasion, faire usage d'une faculté que lui assurent les titres de possession les plus sacrés, et que confirment d'ailleurs des autorités irréfragables. Il s'est borné, au contraire, comme on a lieu de s'en convaincre par le Règlement nouvellement publié, à défendre à tout bâtiment étranger, non seulement d'aborder dans l'Établissement de la Compagnie Américaine, comme dans la presqu'île du Kamtchatka, et les côtes de la Mer d'Ochotsh, mais aussi de naviguer le long de ces possessions, et, en général, d'en approcher à une distance de 100 milles d'Italie.

Des vaisseaux de la marine Impériale viennent d'être expédiés pour veiller au maintien de cette disposition. Elle nous paroit aussi légale qu'elle a été urgente. Car s'il est démontré que le Gouvernement Impérial eût eu à la rigueur la faculté de fermer entièrement aux étrangers cette partie de l'Océan Pacifique, que bordent nos possessions en Amérique et en Asie, à plus forte raison le droit en vertu duquel il vient d'adopter une mesure beaucoup moins généralement restrictive, doit ne pas être révoqué en doute. Ce droit est, en effet, universellement admis, et toutes les Puissances Maritimes l'ont plus ou moins exercé dans leur système colonial. Enfin, l'usage que le Gouvernement Impérial vient d'en faire en faveur de la Compagnie Russe-Américaine, ne sauroit préjudicier aux intérêts d'aucune nation, attendu qu'il n'est guère à supposer, qu'outre les exceptions spécifiées dans notre Règlement, un vaisseau étranger quelconque puisse avoir des motifs réels et légitimes pour relâcher aux Établissemens Russes. Nous aimons donc à espérer que les Puissances auxquelles ce nouveau Règlement va être communiqué reconnoitront les considérations majeures qui lui ont servi de base, et que, par une suite des relations de paix et de bonne harmonie qui subsistent entre elles et la Russie, elles n'hésiteront pas à imposer à leurs sujets respectifs le devoir de s'y conformer strictement, afin de prevenir les inconvéniens auxquels une contravention de leur part donneroit lieu nécessairement.

Sa Majesté l'Empereur désire que les Missions obtiennent ce résultât en s'acquittant de la communication que leur prescrit la présente Circulaire.

Recevez, &c.

NESSELRODE.

P. S.—En dressant les instructions pour les officiers commandant les bâtimens de guerre Russes qui sont destinés à veiller, dans l'Océan Pacifique, au maintien des dispositions nouvellement arrêtées à l'égard des Établissemens de la Compagnie Russe-Américaine, le Gouvernement Impérial est parti de la supposition qu'un navire étranger qui auroit fait voile d'un des ports de l'Europe, après le 1er Mars, 1822, ou d'un des ports des États-Unis, après le 1er Juillet de la même année, ne pourroit plus légalement prétexter l'ignorance du nouveau Règlement. Nos marins ont donc reçu l'ordre de régler en conséquence leur conduite quant à l'époque à dater de laquelle ils auroient à mettre en vigueur les dispositions susmentionnées.

Nous croyons devoir communiquer ces notions additionnelles aux Missions Impériales, en les invitant à les porter également à la connoissance des Gouvernemens auprès desquels elles sont accréditées, afin de compléter ainsi les informations renfermées dans la Circulaire de ce jour.

N.

[Inclosure 2 is the imperial Russian ukase of September 4, 1821, see *ante* page 25.]

[Translation.]

Count Lieven to the Marquis of Londonderry.—(*Received November 30.*)

Count Lieven presents his compliments to Lord Londonderry and has the honor to transmit herewith to His Excellency the Copy which he has asked of the despatch of Count de Nesselrode, dated October 7, No. 29.

HARLEY STREET, *London, November 29, 1821.*

[Inclosure 1.—Circular.]

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURG, *October 7, 1821.*

On the point of renewing the privilege of the Russian-American Company and submitting to a revision the Rules concerning its commercial operations, the Government was obliged to devote especial attention to the complaints to which the undertakings of smugglers and foreign adventurers on the North-West coasts of America belonging to Russia have more than once given rise. It has been recognized that the undertakings have not only as an object a fraudulent trade in furs and other articles exclusively reserved to the Russian-American Company, but that they appear even often to betray a hostile tendency; inasmuch as vagabonds come and furnish arms and ammunition to the natives in our possessions of America and that they excite them to a certain extent to resistance and rebellion against the authorities which are established there.

It was then essential to oppose severe measures to those proceedings, and to guarantee the company against the considerable losses which resulted from them and it is with this view that the regulation herewith has just been published. The Imperial Missions are invited to inform the Governments near which they are accredited and to set forth the motives which have dictated it, adding the following explanations.

The new regulation does not forbid foreign vessels to navigate in the seas which wash the Russian Possessions on the North West coasts of America, and North-East of Asia. Such a prohibition which it would not have been difficult to support with a sufficient naval power, would have been, in truth, the most efficacious way to protect the interests of the Russian-American Company, and it would seem besides to be based on unquestionable rights. For, on the one hand, to keep away once for all from the coasts mentioned above foreign vessels, was to stop forever the guilty enterprises the prevention of which is under consideration.

On the other hand, in considering Russian Possessions which extend on the North-West Coast of America from Behring's Straits to 51° of North latitude, and on the opposite coast of Asia and the adjacent islands, from the same straits to the 45°, it cannot be denied that the space of sea which those possessions are the limits does not unite all the conditions which the best known and best accredited publicists have applied to the definition, a close sea (une mer fermée), and that

consequently the Russian Government does not find itself absolutely authorized to exercise on that sea rights of sovereignty, and especially that to forbid the approach of foreigners. Nevertheless however important were the considerations which demanded such a course, however justifiable it was in itself, the Imperial Government did not wish, on that occasion, to make use of a privilege which the most sacred titles of possession assure to it and which moreover unquestionable authorities confirm. It contented itself, on the contrary, as may be seen by the regulations newly published with forbidding all foreign vessels, not only to land on the Establishments of the American Company and on the peninsula of Kamtchatka and the coasts of the sea of Ochotsk, but also to navigate along those possessions, and, in general, to approach them within a distance of 100 Italian miles.

Some vessels of the Imperial navy have just been dispatched in order to enforce the maintenance of that provision. It appears to us as lawful as it is urgent. Because, if it is demonstrated that the Imperial Government had had, strictly speaking, the right to close entirely to foreigners this part of the Pacific Ocean which bounds our possessions in America and in Asia, with greater reason the right in pursuance of which it has just adopted a measure far less generally restrictive, must not be called in question. This right is, in fact, universally admitted and all the Maritime Powers have more or less exercised it in their colonial system. Finally, the use that the Imperial Government has just made of it in favor of the Russian-American Company, could not be prejudicial to the interests of any nation, because it is scarcely to be supposed that beyond the specified exceptions in our regulations any foreign vessel could have real and legitimate grounds for putting into Russian Establishments. We would gladly hope that the Powers to whom this new regulation shall be communicated will recognize the strong reasons which have served as a basis for it, and that, in virtue of the relations of peace and good harmony which exist between them and Russia, they will not hesitate to impose on their respective subjects the duty to strictly conform themselves to it in order to prevent the inconveniences to which a contravention on their part will necessarily lead.

His Majesty the Emperor desires that the Missions may obtain this result by making the communication which the present circular prescribes to them.

Accept, etc., NESSELRODE.

P. S.—In drawing up the instructions for the officers commanding the Russian men of war who are intended to enforce in the Pacific Ocean the execution of the provisions recently enacted in regard to the Establishments of the Russian-American Company, the Imperial Government proceeded on the supposition that a foreign vessel which had sailed from one of the European ports, after March 1st, 1822, or from one of the ports of the United States after July 1st of the same year, could not legally pretend ignorance of the new regulation. Our seamen have then received the order to regulate their conduct as to the date from which they should enforce the said provisions.

We believe it proper to communicate these additional views to the Imperial Missions inviting them to bring them to the attention of the Government near which they are accredited in order thus to supplement the information contained in the Circular of this day.

Sir C. Bagot to the Marquis of Londonderry.—(Received November 21.)

No. 56.] ST. PETERSBURGH, *November 17, 1821.*

MY LORD: In my despatch No. 50 of the 3rd October, I transmitted to your Lordship the heads of an Ukase which had been published here, respecting the commerce and navigation of the north-west coasts of America, the Aleutian and Kurile Isles, and the eastern coasts of Siberia.

Shortly after the date of that despatch I had an opportunity of speaking of this Ukase to Count Nesselrode, and he gave me to understand (as I then thought) that it would be communicated to me officially, accompanied by an explanation of its object, and the grounds upon which it had been issued.

After waiting several weeks for this communication, I found that it had been already made through the Imperial Ministers abroad to such of the European Powers as might have been supposed to be interested in the matter, and that it had been dispatched by a special messenger to the United States.

The circumstances will, I hope, explain to your Lordship satisfactorily the reasons for which I have so long delayed to write more fully to His Majesty's Government upon a subject which seems to me of some national importance.

I have not seen, nor do I know the nature of, the communication which may have been made to your Lordship by the Russian Ambassador in London, but in my conversation with Count Nesselrode upon the subject, he told me that the object of the measure was to prevent the "commerce interlope" of the citizens of the United States, who were not only in the habit of resorting to the Russian coasts and islands in the Pacific, for the purpose of interfering in their trade with China in the lucrative article of sea-otter skins, but were also in the constant practice of introducing prohibited articles, and especially gunpowder, into the Russian dominions in that quarter, that representations had been repeatedly made to the American Government upon the subject, who had professed to be unable to control their citizens in those distant seas, but had intimated that they should not take in ill-part, whatever measures the Russian Government might deem it expedient to adopt for the protection of their own rights.

When I found that the Ukase had been already communicated to your Lordship I abstained from entering with Count Nesselrode into any further discussion of it, or inquiring of him upon what grounds the 51st degree of north latitude (which, after the last Treaty between Spain and the United States, reduces the possessions of Great Britain to 2° of latitude) had been now declared, I believe for the first time, to be the boundary of the Russian dominion upon those coasts, but I have adverted to the novel principle involved in that Regulation of the Decree which dooms to confiscation all foreign vessels which may approach within 100 Italian miles of the Russian coasts, and I find that this extraordinary pretension has been adopted from, and is supposed to be justified by, the XIIth Article of the Treaty of Utrecht.

I have the honour to transmit to your Lordship, under a separate cover, an English translation of the Ukase, and I at the same time inclose a Map of the north-west coasts of America, and the Aleutian and Kurile Islands, which has been published in the Quarter-Master-

General's Department here, and upon which I have marked all the principal Russian Settlements.[a]

I have, &c. CHARLES BAGOT.

The King's Advocate to the Marquis of Londonderry.—(Received November 22.)

DOCTORS' COMMONS, *November 20, 1821.*

MY LORD: I am honoured with your Lordship's commands signified in Mr. Plantas' letter of the 15th instant, transmitting a note from the Russian Envoy, inclosing a printed copy of an Edict for regulating foreign trade with the Aleutian Islands, and other possessions on the north-west coast of America, appertaining to Russia.

And your Lordship is pleased to request that I would take the tenour of the Regulations therein contained into consideration, and report thereon for your Lordship's information.

In obedience to your Lordship's directions I have the honour to report that it appears to be the object of this communication to obtain indirectly from His Majesty's Government an acknowledgment of territorial rights which are assumed by Russia over a portion of sea that may become of great importance with reference to the trade of that part of the world, and the discoveries which are now directed to that quarter.

The communication indirectly asserts an exclusive right in the sovereignty "*d'une mer fermée*, sur l'espace de mer, dont les possessions" (from Behring's Straits to 51° north, on the west coast of America, and 45° north on the coast of Asia) "ferment les limites," and it proceeds to announce as a qualified exercise of that right the exclusion of all foreign ships, under pain of confiscation, from approaching within 100 miles of those coasts.

The extent of territory so assumed is much greater than is ordinarily recognized by the principles of the law of nations. And I humbly submit whether it may not be expedient to declare the intention of His Majesty's Government to adhere to those principles, with such observations as may be deemed expedient to deprecate any infringement on the rights of commerce and navigation that may affect Great Britain or her subjects.

I have, &c. CHRIST. ROBINSON.

Lord Stowell to Lord Melville.

GRAFTON STREET, *London, December 26, 1821.*

MY DEAR LORD: I have perused these papers, and it appears to me to be unsafe to proceed to any controversial discussion of the proposed Regulations, till it is shown that they issue from a competent authority founded upon an acknowledged title of territorial and exclusive pos-

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[a] This map is reproduced in the case of Great Britain, Fur Seal Arbitration, Appendix, Vol. IV (Congressional Edition, Vol. V, facing page 982). It is the same Russian map forwarded to the Department of State by Mr. Middleton in his despatch of September 21, 1821 (*ante*, page 31), which is Map No. 6 in the Atlas accompanying the Case of the United States. The maps forwarded by the two ministers differ slightly in the written memoranda on their face.

session of the portions of the globe to which they relate. I am myself too slightly acquainted with the facts regarding such possession (how originally acquired and how subsequently enjoyed) to be enabled to say that upon undisputed principles such a possession exists. It is perfectly clear from these Regulations that it has not hitherto been exclusive in the extent in which it is now claimed; for they are framed for the very purpose of putting an end to foreign intercourses of traffic therein, which they denominate *illicit* but which they admit existed *de facto*.

The territories claimed are of different species—islands—portions of the continent—and large portions of the sea adjoining.

I know too little of the history of their connection with either islands or continents to say with confidence that such a possession has in this case been acquired. I content myself with remarking that such possession does not appear in the opinion and practice of States to be founded exactly upon the same principles in the cases of islands and continents. In that of islands, discovery alone has usually been held sufficient to constitute a title. Not so in the case of continents. In the case of the South American Continent the Spaniards and Portuguese resorted to grants from an authority which in that age was universally respected, and continued in respect till subsequent possession had confirmed their title. But I think that it has not been generally held, and cannot be maintained that the mere discovery of a coast gives a right to the exclusive possession of a whole extensive continent to which it belongs, and less to the seas that adjoin to a very considerable extent of distance. An undisputed exercise of sovereignty over a large tract of such a continent and for a long tract of time would be requisite for such purposes. I am too ignorant of particular facts to say how far such principles are justly applicable to such cases. I observe that by these Regulations the commerce in these islands, continents, and adjoining seas is declared to have been granted exclusively to Russian subjects; who the granter is, is not expressly declared. If, as is probable, the Autocrat of Russia is meant, the inquiry then reverts to the question respecting the foundation of such an authority, and thinking that that question must be first disposed of, I content myself with observing upon the Regulations themselves that they are carried to an extent that appears very unmeasured and insupportable.

I have, &c. STOWELL.

Board of Trade to Foreign Office.—(Received January 7.)

OFFICE FOR TRADE, *London, January 7, 1822.*

DEAR SIR: The inclosed seems to contain all the information that we can expect from the persons interested in the southern whale fishery; but I will try and squeeze a little more out of them if I can.

Pray let me have the inclosed back, as it is an original, or if you will return it when you have read it, I will send you a copy to-morrow.

Mr. Robinson desired me to inform the parties that the point in question was too high matter for this Committee to do anything in its Board of Trade capacity.

I am, &c. THOS. LOCK.

[Inclosure.]

Messrs. S. Enderby & Son and Mr. W. Mellish to Board of Trade.

PAUL'S WHARF, *London, November 27, 1821.*

MY LORDS: We most respectfully address your Lordships on the subject of an Ordinance or Ukase issued by the Emperor of Russia on the 9th October last. The 1st Article of that Ordinance in a sweeping way forbids all but subjects of Russia from commencing a whale fishery from Behring's Straits to 51° north latitude on the north-west coast of America as well as in the Aleutian Islands on the east coast of Siberia and Kurile Islands, that is to say, from Behring's Straits to the south Cape in the Island Ooroop in 45° 51′ north latitude. By this Article it appears that British ship-owners and merchants are forbidden from attempting to carry on any fishery or branch of industry, under penalties, to the north of 51° north latitude on the north west coast of America, or to the north of 45° 51′ north latitude on the eastern coasts of the North Pacific Ocean.

The 2nd Article forbids all foreign vessels touching at the Russian Establishments within the above stated limits, or even to approach them within a less distance than 100 Italian miles, the cargo to be forfeited, without it can be proved that the vessel is in want of provisions or driven in by tempestuous weather.

These two leading Articles in the Ordinance we consider as a declaration of war against the commerce and fishing of British merchants if their enterprize carries their ships to the north of the limits laid down by Russia. One British ship of 500 tons employed in the whale fishery has recently been as far as 47½° north latitude on the east coast, and found *sperma cetæ* whales so plenty that great numbers of vessels will sail immediately after the 1st January if we receive the protection we earnestly solicit from our Government against this extraordinary Ordinance. Two British ships nearly about the same time that the above ship sailed for the coast of Japan sailed for the whale fishery on the north-west coast of America we believe into Behring's Straits. We are at present unacquainted with their success.

We have no doubt if we are protected in a *fair* trade (not with China) and fishery in the North Pacific Ocean, that British enterprize will find some islands in that great ocean which may have been overlooked by the Russians and Americans, who are both attempting to shut the shipping of Great Britain out of that ocean by not allowing us to have any friendly port to resort to.

If Captain Parry is successful in effecting a passage into the North Pacific Ocean either through Behring's Straits or elsewhere, the Russian Ukase will prevent our fishing in those Straits or making any use of the discovery for commercial purposes.

Waiting your Lordship's directions for our future government, we have, &c.

SAM. ENDERBY & SON.
WILLM. MELLISH.

The Marquis of Londonderry to Count Lieven.

FOREIGN OFFICE, *January 18, 1822.*

The Undersigned has the honour hereby to acknowledge the note, addressed to him by Baron de Nicolai of the 12th November last, covering a copy of an Ukase issued by His Imperial Majesty the Emperor of All the Russias, and bearing date the 4th September, 1821, for various purposes, therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America, bordering upon the Pacific, and the Commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.

This document, containing Regulations of great extent and importance, both in its territorial and maritime bearings, has been considered with the utmost attention, and with those favourable sentiments which His Majesty's Government always bear towards the acts of a State which His Majesty has the satisfaction to feel himself connected, by the most intimate ties of friendship and alliance; and having been referred for the report of those high legal authorities, whose duty it is to advise His Majesty on such matters.

The Undersigned is directed, till such friendly explanations can take place between the two Governments as may obviate misunderstanding upon so delicate and important a point, to make such provisional protest against the enactments of the said Ukase as may fully serve to save the rights of His Majesty's Crown, and may protect the persons and properties of His Majesty's subjects from molestation in the exercise of their lawful callings in that quarter of the globe.

The Undersigned is commanded to acquaint Count Lieven that it being the King's constant desire to respect, and cause to be respected by his subjects in the fullest manner, the Emperor of Russia's just rights, His Majesty will be ready to enter into amicable explanations upon the interests affected by this instrument, in such manner as may be most acceptable to His Imperial Majesty.

In the meantime, upon the subject of this Ukase generally, and especially upon the two main principles of claim laid down therein, viz., an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, his Britannic Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on those coasts, and in those seas, can be deemed to be illicit, or that the ships of friendly Powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown in these vast and very imperfectly occupied territories, could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles as therein laid down from the coast, the exclusive dominion of which is assumed (but, as His Majesty's Government conceive, in error) to belong to His Imperial Majesty the Emperor of All the Russias.

LONDONDERRY.

The Marquis of Londonderry to Sir C. Bagot.

No. 5.] FOREIGN OFFICE, *January 19, 1822.*

SIR: With reference to your Excellency's several despatches relative to the Ukase lately issued by the Emperor of Russia under date the 4th September last, for various purposes therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America, bordering upon the Pacific, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto, I have now the honour to inclose you a copy of a note which, by His Majesty's command, I have addressed to the Count de Lieven, the Russian Ambassador in London, upon this subject; I am to desire, that in any communications which you may have with the Russian Government relative to this Ukase, you will conform yourself to the tenour of the note herewith sent.

I am, &c. LONDONDERRY.

Mr. Stratford Canning to the Marquis of Londonderry.—(Received March 21.)

No. 11.] WASHINGTON, *February 19, 1822.*

MY LORD: I was informed this morning by Mr. Adams that the Russian Envoy has, within the last few days, communicated officially to the American Government an Ukase of the Emperor of Russia, which has lately appeared in the public prints, appropriating to the sovereignty and exclusive use of His Imperial Majesty the north-west coast of America down to the 51st parallel of latitude, together with a considerable portion of the opposite coasts of Asia, and the neighbouring seas to the extent of 100 Italian miles from any part of the coasts and intervening islands so appropriated. In apprizing me of this circumstance, Mr. Adams gave me to understand that it was not the intention of the American Cabinet to admit the claim thus notified on the part of Russia. His objection appears to lie more particularly against the exclusion of foreign vessels to so great a distance from the shore.

The note given in by M. de Poletica is confined, I believe, to a mere communication of the Emperor's Ukase, and of the periods at which it will begin to have force, viz., from the 1st March with respect to European vessels, and from the 1st July for vessels from this country.

Mr. Adams inquired whether I had heard from your Lordship on this head, and on the supposition that a similar communication had in all probability been made by the Russian Ambassador in London, appeared desirous of learning the course which His Majesty's Government intended to adopt with reference to it. I could only reply by saying that I had not yet received any intimation from your Lordship on the subject.

I have, &c. STRATFORD CANNING.

Hudson's Bay Company to the Marquis of Londonderry.—(Received March .)

HUDSON'S BAY HOUSE, *London, March 27, 1822.*

MY LORD: It has fallen under the observation of the Governor and Committee of the Hudson's Bay Company that the Russian Government have made a claim to the north-west coast of America, from Behring's Straits to the 51st degree of north latitude; and in an Imperial Ukase have prohibited foreign vessels from approaching the coast within 100 miles, under penalty of confiscation. Likewise that the American Government are claiming a very considerable extent of country bordering on the Pacific Ocean; and that a Bill is in progress in the House of Representatives for settling the Columbia and forming it into a State of the Union.

In the Report presented to the House on which this Bill is founded, the Committee state that the title of the United States to the sovereignty of the territory from the 41st degree to the completion of the 53rd degree of north latitude is unquestionable; but that, in the opinion of the Committee, the American Government have a good claim as far as 60° north latitude.

I need not remind your Lordship that a large portion of that country

was discovered by British navigators, and taken possession of on behalf of Great Britain; nor of the affair of Nootka Sound, in 1789, in consequence of aggressions committed upon British subjects on that coast; but it may be necessary to state to your Lordship that the Americans had no trade with the natives until long after the British Establishments had been formed in the country to the westward of the Rocky Mountains.

In the year 1792 Sir Alexander McKenzie, then a partner in the late North-West Company, explored from the interior the country west of the Rocky Mountains, and was the first who penetrated to the Pacific Ocean. In the preceding year Captain Vancouver had surveyed the Columbia River from the mouth to the Falls, 200 miles from the sea.

For above twenty years the British fur traders have had Settlements, and the Company have an Establishment of 200 men on the Columbia River at this period, and large and valuable Establishments to the northward.

It was not till the year 1806 that the Americans explored this country, when an expedition was fitted out under Captains Lewis and Clarke, who proceeded to the head of the Mississourie, thence across the Rocky Mountains to the River Columbia, and down it to the mouth, and returned by the same route. Soon after the return of these gentlemen an American Chartered Company was established under the name of the Pacific Fur Company, who began their operations in 1810. Ships were sent and a fort built at the mouth of the Columbia. This fort was given up to the late North-West Company in the American War, when they bought of the Pacific Fur Company their whole stock-in-trade, and the country was abandoned by the Americans, and they have not since had any traders in the Columbia, or to the northward.

The fort, after the Treaty of Ghent, was demanded by the American Government as included, with other fortified places in that Treaty, although it is more properly only a trading station, and it has been delivered up, but it remains unoccupied.

By a Convention in October 1818, subsequent to the Treaty, it was agreed by the Contracting Parties that the country in question, for the purposes of trade, was to be free to the subjects of both nations for ten years.

The fur trade of Great Britain, by an Act of last Session and grant from His Majesty, is vested in the Hudson's Bay Company; I cannot, therefore, refrain from calling your Lordship's attention to this matter as of considerable importance at the present moment, and not unlikely to lead to very unpleasant occurrences at some future period, if no notice is taken of these proceedings of the Russian and American Governments, the effect of which would be to exclude British subjects from the northwest coast of America, and a valuable trade in the interior.

I have, &c. J. H. PELLY, *Deputy Governor.*

Earl Bathurst to the Duke of Wellington.

DOWNING STREET, *September 14, 1822.*

MY LORD: I have the honour to transmit, for your Grace's guidance in the execution of the commission with which His Majesty has been

pleased to intrust you in consequence of the lamented death of the Marquis of Londonderry, a Memorandum which was originally drawn up by his Lordship, and, having been approved by His Majesty's confidential servant, was submitted to His Majesty's Government and received His Majesty's sanction.

I am, &c. BATHURST.

[Inclosure.]

Memorandum.

The subject-matter upon which the allied Ministers will have to deliberate at the approaching meeting at Vienna may be classed under the following heads:

1. The Turkish question, internal and external.
2. The Spanish question, European and American.
3. The Affairs of Italy.

As British points, the Slave Trade, the Austrian Debt, and the late Russian Ukase will demand attention.

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Upon the Russian Ukase the objections to its enactment, in principle, are set forth in the note addressed to Count Lieven in reply to his communication of the Ukase to the British Government. The duty of the British Plenipotentiary will be to bring the Russian Cabinet to some distinct explanation as to the mode in which the differences of opinion on this instrument may be reconciled.

Memorandum by the Duke of Wellington.

SEPTEMBER 11, 1822.

In the course of a conversation which I had yesterday with Count Lieven, he informed me that he had been directed to give verbal explanations of the Ukase respecting the north-west coast of America. These explanations went, he said, to this, that the Emperor did not propose to carry into execution the Ukase in its extended sense. That His Imperial Majesty's ships had been directed to cruize at the shortest possible distance from the shore in order to supply the natives with arms and ammunition, and in order to warn all vessels that that was His Imperial Majesty's dominion; and that His Imperial Majesty had besides given directions to his Minister in the United States to agree upon a Treaty of Limits with the United States.

It appears here that this explanation when given will be very little satisfactory; and that at best it is only a verbal explanation of a written and published Ukase, the terms of which, however contrary to the law of nations and protested against by us, must be the rule for our merchants and traders till we can obtain some document in writing which will alter it. This is the sense in which I propose to act at Vienna upon this part of the instructions, and it is desirable that I should be informed whether we have any claim to territory on the north-west coast of America, and what are the opinions and reasonings of the civilians upon the question of *dominion on the sea*.

The Russian Ministers will very probably assimilate their claim of dominion as thus verbally explained to the claim which we are supposed to have of dominion in the Narrow Seas, which it was attempted to bring into discussion at the Congress at Vienna in 1815. We avoided the discussion, and explained the practice of giving and receiving

salutes prevailing in the British navy in a manner satisfactory to all parties. But we never relinquished the claim of the dominion.

On the other hand, we have not recently claimed the dominion in a Proclamation, and warned others not to approach it.

SEPTEMBER 16, 1822.

Since writing the above I have again seen Count Lieven on this subject, and he has informed me that the Emperor has authorized his Minister in the United States to treat upon limits in North America with the United States. He gave me this instruction confidentially, and in order that if we had any claim to territory on the north-west coast of America we might bring it forward, so as not to be shut out by any agreement made between Russia and the United States.

It is desirable, therefore, that I should be informed upon this subject as soon as may be convenient.

Hudson's Bay Company to Mr. George Canning.—(Received September .)

HUDSON'S BAY HOUSE, *London, September 25, 1822.*

SIR: I have the honour to address you, on behalf of the Hudson's Bay Company, upon the subject of the claim set up by Russia to that part of the north-west coast of America which is to the north of the 51st degree north latitude.

It appears to the Directors of this Company that the claim of Russia is not well founded, and as the interests of the Company and of the British fur trade would be essentially and greatly injured, should the claims of Russia be admitted by the British Government, I feel it to be incumbent upon me, in addition to the representations which I have already made upon this subject, to state briefly the progress of the British fur trade in that part of North America, and to apprize you of the forts or trading stations, situated to the north of the 51st degree north latitude, which are now occupied by the traders and servants of this Company.

In the year 1793 Sir Alexander McKenzie crossed the Rocky Mountains in 56° 30′ north latitude, and penetrated to the Pacific Ocean in latitude 52° 20′. Immediately after his return the British fur traders sent expeditions and established trading posts in the country to the westward of the Rocky Mountains. New trading stations have been gradually formed, as the country was more fully explored, and until 1821 the whole trade of an extensive district named New Caledonia, and extending from the mouth of Fraser's River, situated about 49° north latitude to about 60° north latitude, was carried on by the British North-West Company.

The partnership of the British North-West Company being then about to expire, arrangements were made in 1821 by which the Hudson's Bay Company acquired possession of all the forts and trading stations of that Association situated in New Caledonia, as well as in other parts of British North America.

The principal forts or permanent and centrical trading stations in New Caledonia, now occupied by the traders and servants of this Company, are situated at the Rocky Mountain portage in 56° north latitude

and 121° west longitude; on Stewart's Lake, in 54° 30′ north latitude and 125° west longitude; on McLeod's Lake in 55° north latitude and 124° west longitude, and on Fraser's Lake in 55° north latitude and about 127° west longitude, and there are several minor trading posts, the situation of which are occasionally changed according to local circumstances. By these means an extensive trade is carried on with all those Indian tribes which inhabit the country from about 60° north latitude as far south as the mouth of Fraser's River, which is in about 49° north latitude, and between the Rocky Mountains and the sea.

The British fur traders have never met with the traders of any other nation in that country, and it does not appear that any part of it has ever been occupied by the subjects of Russia or of any other foreign Power.

All the considerable rivers which fall into the Pacific Ocean in this extent of coast have not yet been sufficiently explored to ascertain whether any of them are navigable with large boats, and have safe harbours at their discharge into the sea; the furs procured in that country have therefore been brought to England down the Peace River and through the Hudson's Bay Company's territories. But it is probable that, in such an extent of coast, some practicable communication with the sea will be discovered which would save the expensive transport of goods and furs through the interior of America.

A direct communication by sea is found to be advantageous in the country to the south of New Caledonia situated on the various branches of the Columbia River, where this company have extensive trading Establishments extending to the head waters of that river in the Rocky Mountains, and the same advantages would be derived from a direct communication by sea with New Caledonia.

This Company has trading Establishments also in McKenzie's River, which falls into the Frozen Ocean as far north as 66° 30′ north latitude, which carry on a trade with those Indians who inhabit the country to the west of that river and to the north of 60° of north latitude, and who, from the nature of the country, can communicate more easily with McKenzie's River than with the trading posts in New Caledonia.

I have thus given a brief outline of the British trading stations on the north-west coast of America, and I feel confident that His Majesty's Government will take the proper measures for protecting the interests of this Company and of the British fur trade in that quarter of the world.

I have, &c. J. H. PELLY, *Deputy Governor.*

Mr. G. Canning to the Duke of Wellington.

No. 6.] FOREIGN OFFICE, *September 27, 1822.*

MY LORD DUKE: Your Grace is already in possession of all that has passed both here and at St. Petersburgh on the subject of the issue in September of last year, by the Emperor of Russia, of an Ukase indirectly asserting an exclusive right of sovereignty from Behring's Straits to the 51st degree of north latitude on the west coast of America, and to the 45th degree north on the opposite coast of Asia, and (as a qualified exercise of that right) prohibiting all foreign ships,

under pain of confiscation, from approaching within 100 Italian miles of those coasts.

The Ukase having been communicated by Baron Nicolai, the Russian Chargé d'Affaires at this Court, to His Majesty's Government, was forthwith submitted to the legal authorities whose duty it is to advise His Majesty on such matters; and a note was in consequence addressed by the late Marquis of Londonderry to Count Lieven, the Russian Ambassador, and also communicated to His Majesty's Ambassador at St. Petersburgh, protesting against the enactments of the said Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interests of his subjects.

As such explanations will probably be offered to your Grace during the Conferences about to take place at Vienna, I hasten to signify to you the King's commands as to the language which you will hold on the part of His Majesty upon this subject.

The opinions given in November and December last by Lord Stowell and by His Majesty's Advocate-General (copies of which are already in your possession) will furnish you with the best legal arguments in opposition to the pretensions put forward in the Russian Ukase; and as, in both these opinions, much stress is very properly laid upon the state of actual occupation of the territories claimed by Russia, and the different periods of time at which they were so occupied, I have obtained from the Governor of the principal Company of His Majesty's subjects trading in that part of the world the information which your Grace will find in the inclosed papers. That information will enable you sufficiently to prove to the Russian Ministers, not only that the point of prior discovery may be fairly disputed with Russia, but that the much more certain title of actual occupation by the agents and the trading servants of the Hudson's Bay Company extends at this moment to many degrees of higher latitude on the north-west coast of America than is claimed as the territory of Russia by the Ukase in question.

Enlightened statesmen and jurists have long held as insignificant all titles of territory that are not founded on actual occupation, and that title is in the opinion of the most esteemed writers on public law to be established only by practical use.

With respect to the other points in the Ukase which have the effect of extending the territorial rights of Russia over the adjacent seas to the unprecedented distance of 100 miles from the line of coast, and of closing a hitherto unobstructed passage, at the present moment the object of important discoveries for the promotion of general commerce and navigation, these pretensions are considered by the best legal authorities as positive innovations on the right of navigation. As such, they can receive no explanation from further discussion, nor can by possibility be justified. Common usage, which has obtained the force of law, has indeed assigned to coasts and shores, an accessorial boundary to a short limited distance for purposes of protection and general convenience, in no manner interfering with the rights of others, and not obstructing the freedom of general commerce and navigation.

But this important qualification the extent of the present claim entirely excludes, and when such a prohibition is, as in the present case, applied to a long line of coasts, and also to intermediate islands in remote seas where navigation is beset with innumerable and unforeseen difficulties, and where the principal employment of the fisheries

must be pursued under circumstances which are incompatible with the prescribed courses, all particular considerations concur, in an especial manner, with the general principle, in repelling such a pretension as an encroachment on the freedom of navigation, and the unalienable rights of all nations.

I have indeed the satisfaction to believe, from a conference which I have had with Count Lieven on this matter,—that upon these two points,—the attempt to shut up the passage altogether, and the claim of exclusive dominion to so enormous a distance from the coast,—the Russian Government are prepared entirely to waive their pretensions. The only effort that has been made to justify the latter claim was by reference to an Article in the Treaty of Utrecht which assigns 30 leagues from the coast as the distance of prohibition. But to this argument it is sufficient to answer, that the assumption of such a space was, in the instance quoted, by stipulation in a Treaty, and one to which, therefore, the party to be affected by it had (whether wisely or not) given its deliberate consent. No inference could be drawn from that transaction in favour of a claim by authority against all the world.

I have little doubt, therefore, but that the public notification of the claim to consider the portions of the ocean included between the adjoining coasts of America and the Russian Empire as a *mare clausum*, and to extend the exclusive territorial jurisdiction of Russia to 100 Italian miles from the coast, will be publicly recalled, and I have the King's commands to instruct your Grace further to require of the Russian Minister (on the ground of the facts and reasonings furnished in their despatch and its inclosures) that such a portion of territory alone shall be defined as belonging to Russia as shall not interfere with the rights and actual possessions of Her Majesty's subjects in North America.

I am, &c. GEORGE CANNING.

Baron Tuyll to Count Nesselrode.

[Extract.]

LIVERPOOL, *October 21* (*November 2*), *1822*.

Il sera sans doute expédient de faire, à cet égard, toutes les tentatives possibles, en alléguant la nouveauté de ces derniers Etablissements, la clause du Privilège des deux Compagnies réunies, posant des bornes à leur extension future, et le préjudice que la proximité de ces postes ne peut manquer de causer à l'Etablissement Russe, plus ancien & connu sous le nom de Novo-Archangelsk. Mais dans la supposition que l'on ne pût réussir à étendre les frontières de la Russie beaucoup plus vers le Sud, il serait, ce semble, indispensable de les voir au moins fixées au 55e dégré de latitude Nord, ou mieux encore, *à la pointe méridionale de l'Archipel du Prince de Galles et l'Observatory Inlet*, situés à peu près sous ce parallèle. Tout voisinage plus rapproché des Etablissements anglais ne pourrait manquer d'être préjudiciable à celui de Novo-Archangelsk, qui se trouve sous les 57° 3'.

[Translation.]

It will doubtless be expedient to make all possible attempts in this direction by alleging the newness of these last establishments, the clause of the privilege [charter] of the two united companies which

sets a limit to their future extension, and the injury which the proximity of those posts can not fail to cause the older Russian establishment, known under the name of Novo-Archangelsk. But supposing it to be impossible to succeed in extending the frontiers of Russia much farther towards the south, it seems that it would be indispensable to have them fixed at least at the fifty-fifth degree of north latitude, or, better still, at the southern point of the archipelago of the Prince of Wales and the Observatory Inlet, which are situated almost under that parallel. Any nearer neighborhood of the English establishments could not fail to be injurious to that of Novo-Archangelsk, which is in latitude 57° 3′.

The Duke of Wellington to Mr. G. Canning.—(Received December 9.)

No. 38.] VERONA, *November 28, 1822.*

SIR: I inclose the copy of a Confidential Memorandum which I gave to Count Nesselrode on the 17th October, regarding the Russian Ukase, and the copy of his answer.

I have had one or two discussions with Count Lieven upon this paper, to which I object as not enabling His Majesty's Government to found upon it any negotiation to settle the questions arising out of the Ukase, which discussions have not got the better of these difficulties; and I inclose to you the copy of a letter which I have written to Count Lieven, explaining my objections to the Russian "Mémoire Confidentiel."

This question then stands exactly where it did. I have not been able to do anything upon it.

I have, &c. WELLINGTON.

[Inclosure 1.]

Memorandum.

In the month of September 1821 His Imperial Majesty the Emperor of Russia issued an Ukase, asserting the existence in the Crown of Russia of an exclusive right of sovereignty in the countries extending from Behring's Straits to the 51st degree of north latitude on the west coast of America, and to the 45th degree of north latitude on the opposite coast of Asia, and as a qualified exercise of that right of sovereignty, prohibiting all foreign vessels from approaching within 100 Italian miles of those coasts.

After this Ukase had been submitted by the King's Government to those legal authorities whose duty it is to advise His Majesty on such matters, a note was addressed by the late Marquis of Londonderry to Count Lieven the Russian Ambassador, protesting against the enactments of this Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown, and the interests of his subjects.

We object, first, to the claim of sovereignty as set forth in this Ukase; and, secondly, to the mode in which it is exercised.

The best writers on the laws of nations do not attribute the exclusive sovereignty, particularly of continents, to those who have first discovered them, and although we might, on good grounds, dispute with Russia the priority of discovery of these continents, we contend that the much more easily proved, more conclusive, and more certain title of occupation and use, ought to decide the claim of sovereignty.

Now we can prove that the English North-West Company and the Hudson's Bay Company have for many years established forts and other trading stations in a country called New Caledonia, situated to the west of a range of mountains called

Rocky Mountains, and extending along the shores of the Pacific Ocean from latitude 49° to latitude 60°.

This Company likewise possess Factories and other Establishments on Mackenzie's River, which falls into the Frozen Ocean as far north as latitude 66° 30′, from whence they carry on trade with the Indians inhabiting the countries to the west of that river, and who, from the nature of the country, can communicate with Mackenzie's River with more facility than they can with the ports in New Caledonia.

Thus, in opposition to the claim founded on discovery, the priority of which, however, we conceive we might fairly dispute, we have the indisputable claim of occupancy and use for a series of years, which all the best writers on the laws of nations admit is the best founded claim to a territory of this description.

Objecting as we do to this claim of exclusive sovereignty on the part of Russia, I might save myself the trouble of discussing the particular mode of its exercise as set forth in this Ukase, but we object to the mode in which the sovereignty is proposed to be exercised under this Ukase, not less than we do the claim of it.

We cannot admit the right of any Power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles.

We must object likewise to other arrangements contained in the said Ukase, conveying to private merchant-ships the right to search in time of peace, &c., which are quite contrary to the laws and usages of nations, and to the practice of modern times.

VERONA, *October 17, 1822.*

[Inclosure 2.]

Mémoire Confidentiel.

Le Cabinet de Russie a pris en mûre considération le Mémoire Confidentiel que M. le Duc de Wellington lui a remis le 17 Octobre dernier relativement aux mesures adoptées par Sa Majesté l'Empereur sous la date du 4 (16) Septembre, 1821, pour déterminer l'étendue des possessions Russes sur la côte nord-ouest de l'Amérique, et pour interdire aux vaisseaux étrangers l'approche de ces possessions jusqu'à la distance de 100 milles d'Italie.

Les ouvertures faites à ce sujet au Gouvernement de Sa Majesté Britannique par le Comte de Lieven au moment où cet Ambassadeur alloit quitter Londres, doivent déjà avoir prouvé que l'opinion que le Cabinet de Saint-James avoit conçue des mesures dont il s'agit, n'étoit point fondée sur une appréciation entièrement exacte des vues de Sa Majesté Impériale.

La Russie est loin de méconnoître que l'usage et l'occupation constituent le plus solide des titres d'après lesquels un État puisse réclamer des droits de souveraineté sur une portion quelconque du continent. La Russie est plus loin encore d'avoir voulu outrepasser arbitrairement les limites que ce titre assigne à ses domaines sur la côte nord-ouest de l'Amérique, ou exiger en principe général de droit maritime les règles qu'une nécessité purement locale l'avoit obligée de poser pour la navigation étrangère dans le voisinage de la partie de cette côte qui lui appartient.

C'étoit au contraire parce qu'elle regardoit ces droits de souveraineté comme légitimes et parce que des considérations impérieuses tenant à l'existence même du commerce qu'elle fait dans les parages de la côte nord-ouest de l'Amérique, la forçoient à établir un système de précautions devenues indispensables, qu'elle a fait paroître l'Ukase du 4 (16) Septembre, 1821.

La Russie seroit toujours prête à faire part des motifs qui en justifient ses dispositions mais pour le moment elle se bornera aux observations suivantes.

M. le Duc de Wellington affirme dans son Mémoire Confidentiel du 17 Octobre que des Établissemens Anglois, appartenant à deux Compagnies: celle de la Baye de Hudson et celle du Nord-Ouest, se sont formés dans une contrée appelée la Nouvelle-Calédonie, qui s'étend le long de la côte de l'Océan Pacifique, depuis le 49° jusqu'au 60° de latitude septentrionale.

La Russie ne parlera point des Établissemens qui peuvent exister entre le 49 et 51 parallèle, mais quant aux autres, elle n'hésite pas de convenir qu'elle en ignore jusqu'à présent l'existence, pour autant au moins qu'ils toucheroient l'Océan Pacifique.

Les Cartes Angloises même les plus récentes et les plus détaillées n'indiquent absolument aucune des stations de commerce mentionnées dans le Mémoire du 17 Octobre, sur la côte même de l'Amérique, entre le 51° et 60° de latitude septentrionale.

D'ailleurs, depuis les expéditions de Behring et de Tchiricoff, c'est-à-dire, depuis près d'un siècle, des Établissemens Russes ont pris, à partir du 60°, une extension progressive, qui dès l'année 1799 les avoit fait parvenir jusqu'au 55 parallèle, comme

le porte la première Charte de la Compagnie Russe-Américaine, Charte qui a reçu dans le tems une publicité officielle et qui n'a motivé aucune protestation de la part de l'Angleterre.

Cette même Charte accordoit à la Compagnie Russe le droit de porter ses Établissemens vers le midi au delà du 55° de latitude septentrionale, pourvû que de tels accroissemens de territoire ne pussent donner motif de réclamation à aucune Puissance étrangère.

L'Angleterre n'a pas non plus protesté contre cette disposition, elle n'a pas même réclamé contre les nouveaux Établissemens que la Compagnie Russe-Américaine a pu former au sud du 55°, en vertu de ce privilège.

La Russie étoit donc pleinement autorisée à profiter d'un consentement, qui, pour être tacite, n'en étoit pas moins solennel, et à déterminer pour bornes de ses domaines le degré de latitude, jusqu'auquel la Compagnie Russe avoit étendu ses opérations depuis 1799.

Quoiqu'il en soit et quelque force que ces circonstances prêtent aux titres de la Russie, Sa Majesté Impériale ne déviera point dans cette conjoncture du systéme habituel de sa politique.

Le premier de ses vœux sera toujours de prévenir toute discussion et de consolider de plus en plus les rapports d'amitié et de parfaite intelligence qu'elle se félicite d'entretenir avec la Grande-Bretagne.

En conséquence l'Empereur a chargé son Cabinet de déclarer à M. le Duc de Wellington (sans que cette déclaration puisse préjudicier en rien à ses droits, si elle n'étoit point acceptée) qu'il est prêt à fixer, au moyen d'une négociation amicale et sur la base des convenances mutuelles, les degrés de latitude et de longitude que les deux Puissances regarderont comme dernières limites de leurs possessions et de leurs Établissemens sur la côte nord-ouest de l'Amérique.

Sa Majesté Impériale se plaît à croire que cette négociation pourra se terminer sans difficulté à la satisfaction réciproque des deux États, et le Cabinet de Russie peut assurer dès à présent M. le Duc de Wellington que les mesures de précaution et de surveillance qui seront prises alors sur la partie Russe de la côte d'Amérique, se trouveront entièrement conformes aux droits dérivant de sa souveraineté, ainsi qu'aux usages établis entre nations, et qu'aucune plainte légitime ne pourra s'élever contre elles.

VÉRONE, *le 11 (23) Novembre, 1822.*

[Inclosure 2.—Translation.]

Confidential memorandum.

The Russian cabinet has seriously considered the confidential memorandum which the Duke of Wellington addressed to it on the 17th of last October in relation to the measures adopted by His Majesty the Emperor, under date of September 4 (16), 1821, to determine the extent of the Russian possessions on the northwest coast of America and to prevent foreign vessels from approaching these possessions within the distance of 100 Italian miles.

The overtures made in regard to this subject to the Government of His Britannic Majesty by Count de Lieven, at the time of the departure of that ambassador from London, must already have proved that the opinion the Court of St. James entertained of the measures under consideration was not founded upon an entirely exact understanding of the views of His Imperial Majesty.

Russia is far from failing to recognize that use and occupation constitute the best titles by which a state can lay claim to rights of sovereignty over any part of the continent. Russia is further still from having wished to arbitrarily overstep the boundaries which such title assigns to her dominions on the northwest coast of America, or to insist as a general principle of maritime law upon the regulations that a purely local necessity had obliged her to impose upon foreign navigation in the neighborhood of the part of this coast which belongs to her.

It was, on the contrary, because she regarded these rights of sovereignty as legitimate, and because imperative considerations involving the very existence of the commerce in which she is engaged along the northwest coast of America, forced her to establish a system of precautions which has become indispensable, that she issued the ukase of September 4 (16), 1821.

Russia would always be ready to explain the motives which justify her conduct, but for the present she will confine herself to the following observations:

The Duke of Wellington states in his confidential memorandum of October 17 that some English settlements, belonging to two companies, the Hudson Bay and

the Northwest, have been formed in a country called New Caledonia, which extends along the coast of the Pacific Ocean from the forty-ninth degree to the sixtieth degree of north latitude.

Russia will not speak of the settlements which may exist between the forty-ninth and fifty-first parallels, but as to the others she does not hesitate to admit that she is still in ignorance of their existence, at least so far as their touching the Pacific Ocean is concerned.

Even the most recent and complete English maps do not show a single trading post, mentioned in the memorandum of October 17, on the coast of America between the fifty-first and sixtieth degrees of north latitude.

Moreover, since the expeditions of Behring and Tchiricoff—that is, for nearly a century—Russian settlements have been growing so steadily from the sixtieth degree onward that in 1799 they had reached the fifty-fifth parallel, as the first charter of the Russian-American Company shows which charter at the time received official publicity, and which has called forth no protest on the part of England.

This same charter accorded to the Russian Company the right to extend its settlements toward the south beyond the fifty-fifth degree of north latitude, provided that such increase of territory would give rise to no protest on the part of any foreign power.

No objection was made to this provision, either, by England. She did not even protest against the new settlements that the Russian American Company may have established to the south of the fifty-fifth degree by reason of this privilege.

Russia was thus fully authorized to profit by a consent which was not the less solemn because it was tacit, and to fix as the boundary of her dominions the degree of latitude to which the Russian Company had extended its operations since 1790.

However that may be, and whatever force these circumstances may lend to Russia's title, His Imperial Majesty will not deviate in the slightest degree, at this juncture, from his accustomed political system.

His most cherished wish will always be to prevent all contention and to strengthen more and more the friendly relations and the perfect understanding which he congratulates himself on maintaining with Great Britain.

In consequence, the Emperor has directed his cabinet to state to the Duke of Wellington (without permitting this declaration to prejudice his rights in any degree should it be accepted) that he is ready to settle, by means of friendly negotiations and upon the basis of mutual agreement, the degrees of latitude and longitude which the two powers shall regard as the outside limits of their possessions and of their settlements on the northwest coast of America.

His Imperial Majesty is pleased to believe that these negotiations can be terminated without difficulty, to the mutual satisfaction of the two states, and the Russian cabinet is authorized to assure the Duke of Wellington that the measures of precaution and supervision which will then be taken in the Russian part of the coast of America will be in entire conformity with the rights emanating from her sovereignty, as well as with international usage, and that no legitimate complaint can be brought against them.

VERONA, *November 11 (23), 1822.*

[Inclosure 3.]

The Duke of Wellington to Count Lieven.

VERONA, *November 28, 1822.*

M. LE COMTE: Having considered the paper which your Excellency gave me last night on the part of his Excellency Count Nesselrode on the subject of our discussions on the Russian Ukase, I must inform you that I cannot consent, on the part of my Government, to found on that paper the negotiations for the settlement of the question which has arisen between the two Governments on this subject.

We object to the Ukase on the grounds:

1. That His Imperial Majesty assumes thereby an exclusive sovereignty in North America of which we are not prepared to acknowledge the existence or the extent. Upon this point, however, the memorandum of Count Nesselrode does afford the means of negotiation, and my Government will be ready to discuss it either in London or St. Petersburgh whenever the state of the discussions on the other question arising out of the Ukase will allow of the discussion.

The second ground on which we object to the Ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations.

We contend that the assumption of this power is contrary to the law of nations, and we cannot found a negotiation upon a paper in which it is again broadly asserted. We contend that no Power whatever can exclude another from the use of the open sea. A Power can exclude itself from the navigation of a certain coast, sea, &c., by its own act or engagement, but it cannot by right be excluded by another. This we consider as the law of nations, and we cannot negotiate upon a paper in which a right is asserted inconsistent with this principle.

I think, therefore, that the best mode of proceeding would be that you should state your readiness to negotiate upon the whole subject, without restating the objectionable principle of the Ukase, which we cannot admit.

Ever yours, &c. (Signed) WELLINGTON.

The Duke of Wellington to Mr. G. Canning.—(Received December 9.)

No. 44.] VERONA, *November 29, 1822.*

SIR: Since I wrote to you yesterday I have had another conversation with the Russian Ministers regarding the Ukase.

It is now settled that both the Memorandums which I inclosed to you should be considered as *non avenus*, and the Russian Ambassador in London is to address you a note in answer to that of the late Lord Londonderry, assuring you of the desire of the Emperor to negotiate with you upon the whole question of the Emperor's claims in North America, reserving them all if the result of the negotiation should not be satisfactory to both parties.

This note will then put this matter in a train of negotiation, which is what was wished.

I have, &c. WELLINGTON.

Count Lieven to Mr. G. Canning.

LONDRES, *le 19 (31) Janvier, 1823.*

A la suite des déclarations verbales que le Soussigné Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies, a faites au Ministère de Sa Majesté Britannique, le Cabinet de St. James a dû se convaincre que si des objections s'étoient élevées contre le Règlement publié au nom de Sa Majesté l'Empereur de Toutes les Russies, sous la date du 4 (16) Septembre, 1821, les mesures ultérieures adoptées par Sa Majesté Impériale ne laissent aucun doute sur la pureté de ses vues et sur le désir qu'elle aura toujours de concilier ses droits et ses intérêts avec les intérêts et les droits des Puissances auxquelles l'unissent les liens d'une amitié véritable et d'une bienveillance réciproque.

Avant de quitter Vérone, le Soussigné a reçu l'ordre de donner au Gouvernement de Sa Majesté Britannique une nouvelle preuve des dispositiones connues de l'Empereur, en proposant à son Excellence Mr. Canning, Principal Secrétaire d'État de Sa Majesté Britannique pour les Affaires Étrangères (sans que cette proposition puisse porter atteinte aux droits de Sa Majesté Impériale, si elle n'est pas acceptée), que de part et d'autre la question de droit strict soit provisoirement écartée, et que tous les différends auxquels a donné lieu le Règlement dont il s'agit, s'applanissent par un arrangement amical fondé sur le seul principe des convenances mutuelles et qui seroit négocié à St. Pétersbourg.

L'Empereur se flatte que Sir Charles Bagot ne tardera point à recevoir

ing and empowering you to adjust the differences which have arisen in consequence of the ukase promulgated at St. Petersburg on the 4th September, 1821, which prohibits, under pain of confiscation, all foreign vessels from approaching within 100 Italian miles of the northwestern coast of America, the Aleutian and Kurile Isles, and the eastern coasts of Siberia.

I have nothing further to add to the papers with which your excellency has already been furnished on this subject, except two opinions which were laid by the King's law officers before His Majesty's Government on the first receipt of the ukase in question.

I am, etc.,

GEORGE CANNING.

Mr. S. Canning to Mr. G. Canning.

No. 47.] WASHINGTON, *May 3, 1823.* (Received June 12.)

SIR: The Russian envoy, Baron Tuyll, who arrived here about three weeks ago, has proposed to the American Government, in the name of his court, to send instructions to Mr. Middleton, at St. Petersburg, for the purpose of enabling him to negotiate an arrangement of the differences arising out of the claims asserted by the Emperor of Russia to an exclusive dominion over the northwest coast of America, and the neighboring seas as far as the 51st degree of north latitude. The proposal I conceive to be similar to that which was made by Count Nesselrode to His Majesty's plenipotentiary at Verona relative to the same object, as it affects Great Britain.

The American Secretary of State, in apprising me of the communication received from Baron Tuyll, expressed a desire that I would mention it to His Majesty's Government, and stating that Mr. Middleton would in all probability be furnished with the necessary powers and instructions, suggested whether it might not be advantageous for the British and American Governments, protesting as they did against the claims of Russia, to empower their ministers at St. Petersburg to act in the proposed negotiation on a common understanding. He added that the United States had no territorial claims of their own as high as the 51st degree of latitude, although they disputed the extent of those advanced by Russia, and opposed the right of that power to exclude their citizens from trading with the native inhabitants of those regions over which the sovereignty of Russia had been for the first time asserted by the late edict of the Emperor, and most particularly the extravagant pretension to prohibit the approach of foreign vessels within 100 Italian miles of the coast.

At the same time that he submitted this overture for the consideration of His Majesty's Government, Mr. Adams informed me that he had received an account similar to that which lately appeared in the newspapers, and which has already been forwarded to your office, of an American trading vessel having been ordered away from the northwest coast by the commander of a Russian frigate stationed in that quarter. He did not appear, however, to apprehend that any unpleasant consequences were likely to result from that occurrence, as it was understood that provisional instructions of a less exceptionable tenor had been dispatched from St. Petersburg in compliance with the representations of foreign powers.

In bringing under your notice this overture of the American Government, respecting which I can not presume to anticipate the sentiments of His Majesty's cabinet, I have only to add that on asking Mr. Adams whether it was his intention to enter more largely upon the subject at present, I was informed, in reply, that it would be desirable for him previously to know in what light the British Government was disposed to view the suggestion which he had offered. He appeared to be under an impression that the instructions and powers requisite for acting separately in this affair had already been transmitted to Sir Charles Bagot.

I have, etc., STRATFORD CANNING.

Shipowners' Society to Mr. G. Canning.

NEW BROAD STREET, *June 11, 1823.* (Received ———.)

SIR: I have been requested by the committee of this society to represent to you, sir, that considerable alarm has been excited among the owners of ships engaged in the southern whale fishery by the order lately issued by His Majesty the Emperor of Russia, "prohibiting foreign vessels to touch at the Russian establishments along the northwest coast of America from Bering Straits to 51° north latitude, as well as in the Aleutian Islands, on the east coast of Siberia, and the Kurile Islands; that is to say, from Bering Straits to the South Cape, in the Island of Ooroop, viz, in 45° 51′ north latitude, or even to approach them within a less distance than 100 Italian miles."

This committee being aware of the delicacy of the subject, and that the attention of His Majesty's Government had been directed to it, have been unwilling to trouble you with any representations, but as there are now many ships fishing in those seas, and several others bound thither, and it appears that fears are generally entertained lest the seizure and confiscation of some of them should take place by the Russian authorities, upon the plea of their having been within the prohibited limits, the committee have felt it their duty, and have requested me thus most respectfully to express to you, sir, their hope that you may be enabled to communicate to them such information as will remove those apprehensions.

I have, etc., GEORGE LYALL,
Chairman of the Committee.

Count Nesselrode to Count Lieven.

[Confidentielle—Extrait.]

ST. PÉTERSBOURG, *le 26 Juin, 1823.* (Communicated Aug. 14.)

Les instructions additionnelles envoyées aux officiers de la Marine Impériale chargées de la surveillance de nos côtes dans la partie nord-ouest de l'Amérique, portent nommément:

1. Que les Commandans de nos bâtimens de guerre doivent exercer leur surveillance aussi près que possible du Continent, c'est-à-dire, sur une étendue de mer qui soit á la portée du canon de la côte; qu'ils ne doivent point étendre cette surveillance au delà des latitudes sous les-

quelles la Campagnie Américaine a effectivement exercé ses droits de chasse et de pêche, tant depuis l'époque de sa création, que depuis le renouvellement de ses privilèges en 1799, et que, quant aux îles, óú se trouvent des Colonies ou Établissemens de la Compagnie, elles sont toutes indistinctement comprises dans cette règle générale;

2. Que cette surveillance doit avoir pour objet de réprimer tout commerce frauduleux, et toute tentative de nuire aux intérêts de la Compagnie en troublant les parages fréquentés par ses chasseurs et ses pêcheurs, enfin, de prévenir toute entreprise dont le but serait de fournir aux naturels du pays, sans le consentement des autorites, des armes à feu, des armes blanches, ou des munitions de guerre;

3. Que dans ce qui concerne les bâtimens égarés, battus par la tempête, ou entraînés par les courans, les Commandans des vaisseaux de la marine Impériale continueront à se conformer aux dispositions du Règlement du 4 Septembre, 1821; qu'ils s'y conformeront de même à l'égard des bâtimens qui se livreraient au commerce, aux tentatives ou entreprises ci-dessus indiquées; et que nommément, ils pourront en agir d'après les principes reçus parmi toutes les nations, lorsqu'un vaisseau étranger, ayant à bord des marchandises prohibées ou des munitions de guerre, approcherait d'un de nos Établissemens jusqu'à la portée du cannon, sans avoir égard aux interpellations et déclarations que nos officiers lui adresseraient en conformité de ce que leur a été prescrit antérieurement; enfin

4. Que ces officiers doivent s'abstenir de toute intervention dans l'exercice des fonctions locales du Directeur des Colonies, qui a reçu des instructions parfaitement analogues à celles dont ils ont été munies eux-mêmes, et qui se trouve revêtu du pouvoir d'un Commandant du Port.

Votre Excellence voudra bien observer que ces nouvelles instructions, qui, dans le fait, sont de nature à faire suspendre provisoirement l'effet de l'Oukase Impérial du 4 Septembre, 1821, n'ont été expédiées de St. Pétersbourg qu'au mois d'Août de l'année passée; que par conséquent l'officier qui se trouvait alors en crosière dans les parages en question, et le Directeur de nos Colonies, ne pourront les recevoir avant le mois de Septembre prochain, et que nommément le Capitaine Touloubieff, Commandant le sloop Russe "l'Apollon," ne pouvait en avoir connaissance à l'époque de l'incident rapporté par les journaux Américains.

[Confidential.—Extract.—Translation.]

ST. PETERSBURG, *June 26, 1823.* (Communicated Aug. 14.)

The additional instructions sent to the officers of the imperial navy upon whom devolves the duty of guarding our coasts in the northwestern part of America, set forth particularly:

1. That the commanders of our war vessels should keep a watch as close as possible to the continent, that is to say, sufficiently near to be within gunshot of the shore; that they should not extend this watch beyond the latitudes in which the American company has actually exercised its rights of hunting and fishing, either from the time of its formation, or since the renewal of its privileges in 1799, and that, as to the islands where colonies or settlements of the company have been established, they are all, without distinction, comprised in this general rule:

2. That the object of this surveillance should be to repress all fraudulent commerce and all attempts to injure the interests of the company by disturbing the waters frequented by its hunters and fishermen; also to prevent any enterprise having in view the furnishing of firearms, side arms, or munitions of war to the natives without the consent of the authorities;

3. That so far as stray ships, beaten by tempests or carried away by currents, are concerned, commanders of vessels of the imperial navy shall continue to observe the provisions of the regulation of September 4, 1821; that they shall also conform to it in the case of vessels engaged in trade, in attempts or in enterprises above indicated, and that, especially, they shall act in accordance with the principles recognized by all nations when a foreign vessel, having on board prohibited merchandise or munitions of war, approaches one of our settlements within range of the guns, without paying heed to the summons and declarations which our officers may address to her in conformity with what has been hereinbefore prescribed; finally,

4. That these officers shall refrain from all intervention in the exercise of the local functions of the director of the colonies, who has received instructions exactly similar to those with which they themselves have been provided, and who is invested with the power of a commander of the port.

Your excellency will observe that these new instructions, which are in fact of such a nature as to provisionally suspend the effect of the imperial ukase of September 4, 1821, were only forwarded from St. Petersburg in the month of August of last year; that, in consequence, the officer who was then cruising in the waters in question and the director of our colonies can not receive them before next September, and that Captain Touloubieff, commanding the Russian sloop *Apollo*, particularly, could have had no knowledge of them at the time of the incident referred to by the American newspapers.

Memorandum to be delivered to Mr. Lyall, chairman of the Shipowners' Society.

No doubt is entertained but that British vessels may pursue their usual navigation within the seas mentioned in Mr. Lyall's letter without apprehension of molestation from Russia.

The warning off of the American vessel took place before notice of the modifications of the ukase, assurances of which were given to the Government of the United States in the month of April last, could have reached the Russian commander in those seas. Similar assurances were given to the British Government by the Russian ambassador in September; and the whole subject is now under negotiation at St. Petersburg.

FOREIGN OFFICE, *June 27, 1823.*

Mr. G. Canning to Sir C. Bagot.

No. 12.] FOREIGN OFFICE, *July 12, 1823.*

SIR: I have the honor to inclose, for your excellency's information, the copy of a dispatch received from His Majesty's minister in America upon the subject of the Russian ukase relating to the northwest coast of America, also of a letter from the shipowners' society upon the same subject, and of a memorandum of my reply to that letter.

Your excellency will observe from Mr. Stratford Canning's dispatch that the Government of the United States are desirous to join with that of His Majesty in bringing forward some proposition for the definitive settlement of this question with Russia.

We have no precise information as to the views of the American Government, Mr. Rush not having yet received any instructions upon the subject. It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country is that which concerns the extravagant assumption of maritime jurisdiction. Upon this point,

it being now distinctly understood that Russia waives all her pretensions to the practical exercise of the rights so unadvisedly claimed, the only question will be as to the mode and degree of disavowal with which Great Britain and the United States might be, respectively, satisfied.

Upon this point, therefore, such a concert as the United States are understood to desire will be peculiarly advantageous; because, supposing the disavowal made, there is no disposition on the part of His Majesty to press hard upon the feelings of the Emperor of Russia, and it would certainly be more easy for His Majesty to insist lightly on what may be considered as a point of national dignity, if he acted in this respect in concert with another maritime power, than to enact any less degree, either of excuse for the past or of security for the future, than that other power might think necessary.

Great Britain and the United States may be satisfied jointly with smaller concessions than either power could accept singly, if the demands of the other were likely to be higher than its own.

I therefore think it best to defer giving any precise instructions to your excellency on this point until I shall have been informed of the views of the American Government upon it.

In the meantime, however, you will endeavor to draw from the Russian Government a proposal of their terms, as we should undoubtedly come much more conveniently to the discussion, and be much more likely to concert an agreement upon moderate terms with the American Government if a proposal is made to us than to agree in originating one which would be satisfactory at once to both Governments and to Russia.

The other part of this question which relates to territorial claim and boundary is perhaps susceptible of a separate settlement; of the two principles on which the settlement could be made, viz, joint occupancy or territorial demarcation; the latter is clearly preferable. A line of demarcation drawn at the 57th degree between Russia and British settlers would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her. Your excellency will therefore bring this suggestion forward, and acquaint me how far a formal proposition on this basis would be agreeable to His Imperial Majesty's Government. The arrangement might be made, if more agreeable to Russia, for an expirable period of ten or fifteen years.

I am, etc.

GEORGE CANNING.

P. S.—JULY 13. Since this dispatch was written I have received from Mr. S. Canning the dispatch of which I inclose a copy, by which your excellency will learn that instructions are to be sent to Mr. Rush to enter into discussion here (among other matters) upon the subject of the ukase. There is nothing in this communication to vary the instructions herein given to your excellency.

G. C.

Mr. G. Canning to Sir C. Bagot.

No. 17.] FOREIGN OFFICE, *August 20, 1823.*

SIR: Count Lieven called upon me some days since and communicated to me confidentially the inclosed extract of a dispatch which his

excellency had received from Count Nesselrode upon the subject of the Russian ukase of the 4th September, 1821.[a]

Although it is very probable that your excellency is already in possession of the facts stated in this paper, I think it right to transmit it to your excellency, lest it should not yet have come to your excellency's knowledge.

I considered it expedient to make this communication known to Mr. Rush, the American minister in this country, whose Government must naturally be deeply interested in any resolution which may be adopted by that of Russia upon this subject, apprising Count Lieven that I had done so.

I am, &c., GEORGE CANNING.

Sir C. Bagot to Mr. G. Canning.—(Received September 23.)

No. 36.] ST. PETERSBURGH, *August 19 (31), 1823.*

SIR: Count Nesselrode being upon the eve of setting out to join the Emperor upon his journey through the interior, and it being probable that he will not return to St. Petersburgh before the middle of November, I have thought it advisable, even in the absence of those further instructions, which you lead me to expect in your despatch No. 12 of the 12th of last month, to apprize him of the probability of Mr. Middleton and myself being soon instructed to act jointly in negotiating with him some proposition for the definitive settlement of that part at least of the question growing out of the Imperial Ukase of the 4th (16th) September, 1821, which regards the maritime jurisdiction assumed by Russia in the North Pacific Ocean.

I have been induced to acquaint Count Nesselrode thus early with the fact, partly with a desire of ascertaining, so far as I could, the manner in which a combined measure of this kind would be viewed by the Imperial Government; and partly to ascertain whether his own absence would necessarily delay our negotiations upon this subject.

In respect to the first of these objects, I am happy in being able to state that the proposed concert of measures between His Majesty and the United States, so far from being unacceptable to Count Nesselrode, is considered by him, and principally for the same reasons which are assigned in your despatch, as the most agreeable mode in which the question could be brought under discussion.

In regard to the second object, finding that Count Nesselrode received so favourably my intimation of the course which we were about to pursue, I thought that I should best learn whether the Russian Government was prepared to proceed immediately to negotiation if I suggested to him, as I did, the facilities which it would probably afford to all parties if, instead of leaving to His Majesty the perhaps difficult task of originating a proposition upon the subject, which would be at the same time satisfactory both to the United States and to Russia, the Imperial Government themselves should propose some arrangement for our consideration, which, while it might protect the legitimate commercial interests of His Imperial Majesty's subjects, might also effectually save

[a] The inclosure is Count Nesselrode's confidential note to Count Lieven of June 26, 1823, *ante* page 121.

what was the great object of the negotiation—the dignity and rights both of His Majesty and the other Maritime Powers of the world.

Count Nesselrode received this suggestion exactly as I could have wished, and he seemed fully sensible to the delicacy shown towards the Imperial Government in proposing such a course. He said that he thought that he should probably receive his Imperial Majesty's orders to instruct M. Poletica (who, from his long residence in America, and his repeated discussions with the Government of the United States upon the subject, is supposed to be the person here who is most conversant with the whole question) to prepare, during the absence of the Emperor, such materials as may enable the Imperial Government, immediately upon the Emperor's return to St. Petersburgh, to shape some such proposition as that which I had suggested, but he did not give me any reason to suppose that M. Poletica would be authorized to conclude an arrangement, or that anything could be definitively settled till after his own return.

In the meantime, the American minister here has not yet received the instructions referred to by Mr. Stratford Canning in his letter to you of the 3rd May, a copy of which is inclosed in your despatch No. 12. I have, however, apprized him of the wish of his Government to act in concert with that of His Majesty in this business, of His Majesty's readiness to accede to this wish, and of the probability of his receiving, in the course of a very short time, precise instructions upon the subject. From the few general conversations which I have had with Mr. Middleton, he does not seem at all desirous of pressing hardly upon the Imperial Government, and he appears to think that, if any sufficient public disavowal of the pretensions advanced in the Ukase can be obtained, his own Government will be perfectly ready to lend themselves to whatever course may best save the feelings and the pride of Russia.

Mr. Middleton now tells me, what I was not before aware of, that he had last year, by the direction of the President, several interviews with Count Nesselrode and Count Capodistrias upon the subject of this Ukase, and that it was at length agreed that he should inquire officially what were the intentions of the Imperial Government in regard to the execution of it, an assurance being previously given that the answer which he should receive would be satisfactory. Mr. Middleton has been good enough to furnish me with a copy of this answer, which I now inclose. As, however, he considers the communication of the paper as personally confidential, I take the liberty of requesting that no public use may be made of it.

In regard to the second part of this question, that which relates to the territorial claim advanced by Russia in respect to the north-west coasts of North America, I have explained to Count Nesselrode that the United States making no pretension to territory so high as the 51st degree of north latitude, the question rests between His Majesty and the Emperor of Russia alone, and becomes therefore a matter for separate settlement by their respective Governments.

I have suggested to him that this settlement may perhaps be best made by Convention, and I have declared our readiness to accede to one framed either upon the principle of joint occupancy or demarcation of boundary as the Russian Government may itself prefer, intimating, however, that in our view the latter is by far the most convenient. Count Nesselrode immediately and without hesitation declared himself

to be entirely of that opinion, and he assured me that the chief if not the only object of the Imperial Government was to be upon some certainty in this respect.

This conversation took place before I had received your private letter in cypher of the 25th of last month, which reached me on the 11th instant by post. I had, however, taken upon myself to abstain from bringing forward any suggestion that the territorial arrangement should be made for an expirable period, as I thought it possible that such an arrangement might, in the end, be found to be inconvenient, and as it appeared to me that it was a proposition which I should at all events reserve for a later period of the discussion, when it might, in case of difficulties, be found an useful instrument of negotiation.

In a second interview which I have had with Count Nesselrode upon the subject of this separate negotiation, I told him that our pretensions had, I believed, always extended to the 59th degree of north latitude, but that a line of demarcation drawn at the 57th degree would be entirely satisfactory to us, and that I believed that the Russian Government had in fact no Settlements to the southward of that line. I am not, however, quite sure that I am right in this last assertion, as the Russian Settlement of Sitka, to which I am told that the Russian Government pretends to attach great importance, is not laid down very precisely in the Map published in 1802 in the Quartermaster-General's Department here, or laid down at all in that of Arrowsmith, which has been furnished to me from the Foreign Office. Be this, however, as it may, Count Nesselrode did not appear to be at all startled by the proposition. He said that he was not enough acquainted with the subject to give an immediate answer to it, but he made a Memorandum of what I said, and I hope shortly to be able to ascertain how far this Government may be inclined to accept a more formal proposition founded upon this basis.

I have, &c. CHARLES BAGOT.

P. S.—Since writing the above I have again seen Count Nesselrode, who has informed me that he has received the Emperor's commands to put M. Poletica in direct communication with Mr. Middleton and myself upon the subject of that part of the Ukase in which it is proposed that we should act conjointly whenever Mr. Middleton shall have received the instructions which he expects from his Government.

C. B.

[Inclosure.]

Count Nesselrode to Mr. Middleton.

ST. PÉTERSBOURG, *ce 1er Août, 1822.*

Le Soussigné, Secrétaire d'État, dirigeant le Ministère des Affaires Etrangères s'est empressé de mettre sous les yeux de l'Emperour la note que Mr. Middleton, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis d'Amérique, lui a adressée le 27 Juillet, afin de rappeler l'attention du Ministère Impérial sur la correspondance qui a eu lieu entre l'Envoyé de Russie à Washington et le Gouvernement des États-Unis, concernant certaines clauses du Règlement émané le 4 (16) Septembre, 1821, et destiné à protéger les intérêts du commerce Russe sur la côte nord-ouest de l'Amérique Septentrionale.

Animé du désir constant de maintenir dans toute leur intégrité les relations amicales qui subsistent entre la Cour de Russie et le Gouvernement des États-Unis,

l'Empereur s'est pluà prévenir les vœux que viennent de lui être témoignés. Déjà depuis un mois M. le Général-Major Baron de Tuyll, nommé au poste qu'occupoit M. de Poletica, a reçu l'ordre de poursuivre, immédiatement après son arrivée à Washington, la tâche importante que son prédécesseur auroit également remplie, si l'état de santé luí aveit permis de prolonger son séjour en Amérique.

Ne doutant pas des dispositions amicales que le Gouvernement Américain apportera aux négociations que le Général Tuyll va ouvrir; et assuré d'avance que par une suite de ces mêmes négociations les intérêts du commerce de la Compagnie Russe-Américaine seront préservés de toute lésion, l'Empereur a fait munir les vaisseaux de la marine impériale qui font et et feront la croisère sur la côte nord-ouest des instructions les plus analogues au but que les deux Gouvernemens aimeront à atteindre par des explications dirigées de part et d'autre, dans un esprit de justice, de concorde, et d'amit ié.

En écartant ainsi de son côté toute chance qui auroit pu mener aux voyes de fait que le Gouvernement Américain semble appréhender de loin, Sa Majesté Impériale se plaît à espérer que le Président de États-Unis adoptera successivement des mesures que sa sagesse lui montrera comme les plus propres à rectifier toutes les erreurs accréditées par une malveillance qui cherche à dánaturer les intentions et à compromettre les rapports intimes des deux Gouvernemens.

Du moment où la marine et le commerce des Etats-Unis seront convaincus que l'on s'occupe respectivement des questions qui se sont élevées au sujet du règlement du 4 (16) septembre, dans la ferme résolution de les décider d'un commun accord, sous les auspices du bon droit et d'une amitié inaltérable; dès ce moment, la surveillance dont se trouvent chargés, en vertu des nouvelles instructions, les vaisseaux de la marine impériale, qui se rendront sur le nord-ouest d'Amérique, ne sauroit jamais motiver de fâcheuses complications.

C'est en se livrant à cette certitude que Mr. Middleton voudra bien sans doute partager, qu'il ne reste plus au soussigné qu'à ajouter aux communications qu'il a eu ordre de faire en résponse à la note du 21 juillet l'assurance de sa considérations très distinguée.

NESSELRODE.

[Inclosure.—Translation.]

Count Nesselrode to Mr. Middleton.

ST. PETERSBURG, *August 1, 1822.*

The undersigned, secretary of state, directing the department of foreign affairs, hastens to lay before the Emperor the note that Mr. Middleton, envoy extraordinary and minister plenipotentiary of the United States of America, addressed to him on the 27th of July, in order to recall to the attention of the Imperial Government the correspondence which had taken place between the envoy of Russia at Washington and the Government of the United States, concerning certain clauses of the regulation promulgated the 4th (16th) of September, 1821, and designed to protect the interests of Russian commerce on the northwest coast of North America.

Animated by the constant desire to maintain intact the friendly relations existing between the Court of Russia and the Government of the United States, the Emperor was pleased to anticipate the wishes which have just been made known to him. A month ago Major-General Baron de Tuyll, appointed to the post formerly occupied by M. de Poletica, received the order to take up, immediately upon his arrival in Washington, the important task that his predecessor would have accomplished had the state of his health permitted him to prolong his stay in America.

Having every confidence in the friendly dispositions with which the American Government will enter into the negotiations to be inaugurated by General Tuyll, and being assured beforehand that, as a consequence of these same negotiations, the interests of the commerce of the Russian-American Company will be preserved from injury, the Emperor has directed that the vessels of the Imperial navy cruising at the present time and in the future along the northwest coast be furnished with the instructions most conducive to the end that the two Governments desire to attain by explanations conducted on both sides in a spirit of justice, of concord, and of friendship.

In thus removing, on his part, every contingency that might have led to the acts of violence which the American Government appears to apprehend in the future, His Imperial Majesty entertains the hope that the President of the United States will adopt such measures as his wisdom may suggest to him as those best adapted to rectify all the errors arising from a malevolent spirit which seeks to misrepresent the intentions and to compromise the good understanding of the two Governments.

When the navy and commerce of the United States realize that the questions which

arose in regard to the regulation of the 4th (16th) of September are being considered with the firm resolve to decide them by common consent, in the light of actual right and of unalterable friendship, from that moment the surveillance with which the vessels of the Imperial navy on the northwest coast of America are charged, by virtue of the new instructions, will cease to be the cause of troublesome complications.

Entertaining this feeling of perfect security, which Mr. Middleton will doubtless share, there remains nothing to the undersigned but to add to the communications which he has been directed to make in reply to the note of July 21 the assurance of his most distinguished consideration.

NESSELRODE.

Sir C. Bagot to Mr. G. Canning.

[Confidential.]

No. 48.] ST. PETERSBURG, *October 17 (29), 1823.*
(Received Nov. 17.)

SIR: Mr. Hughes, the American chargé d'affaires at Stockholm, arrived here on the 16th instant, and has delivered to Mr. Middleton the instructions which I had already led him to expect from his Government upon the subject of the Imperial ukase of the 4th September, 1821, and upon the concert of measures which the United States are desirous of establishing with Great Britain in order to obtain a disavowel of the pretentions advanced in that ukase by this country.

As Mr. Hughes was the bearer of instructions upon the same subject to the American minister in London, I may, I am aware, presume that Mr. Rush will have already communicated to you the view taken of this question by the United States, and I think it probable that you may have already anticipated this dispatch by framing for my guidance such further instructions as, under that view, it may be thought necessary that I should receive. It may, nevertheless, be very desirable that I should lose no time in reporting to you the substance of some conversations which Mr. Middleton has held with me since the arrival of Mr. Hughes, and it is principally for this purpose that I now dispatch the messenger Walsh to England.

Although Mr. Middleton has not communicated to me the instructions which he had received, I have collected from him, with certainty what I had long had reason to suspect, that the United States, so far from admitting that they have no territorial pretensions so high as the fifty-first degree of north latitude and no territorial interest in the demarcation of boundary between His Majesty and the Emperor of Russia to the north of that degree, are fully prepared to assert that they have at least an equal pretension with those powers to the whole coast as high as the sixty-first degree, and an absolute right to be parties to any subdivision of it which may now be made.

Unless I greatly misconceive the argument of Mr. Middleton, it is contended by the American Government that, in virtue of the treaty of Washington, by which the Floridas were ceded by Spain to the United States, the latter are become possessed of all claims, whatever they might be, which Spain had to the northwest coasts of America, north of the forty-second degree of north latitude, and that when Great Britain, in the year 1790, disputed the exclusive right of Spain to this coast, the Court of Russia (as, indeed, appears by the declaration of Count Florida Blanca, and as it would, perhaps, yet more clearly appear by reference to the archives of the foreign department here)

disclaimed all intention of interfering with the pretensions of Spain, and, consequently, all pretensions to territory south of the sixty-first degree, and that, therefore, any division of the coast lying between the forty-second and sixty-first degrees ought in strictness to be made between the United States and Great Britain alone.

Mr. Middleton, however, admits that the United States are not prepared to push their pretensions to this extent. He says that they are ready to acknowledge that no country has any absolute and exclusive claim to these coasts, and that it is only intended by his Government to assert that, as heirs to the claims of Spain, the United States have, in fact, the best pretensions which any of the three powers interested can urge.

Assuming, upon these grounds, their right to a share in the division, the United States, it seems, desire that, the division being made, the three powers should enter into a joint convention mutually to grant to each other, for some limited period, renewable at the pleasure of the parties, the freedom of fishery and of trade with the natives, and whatever other advantages the coasts may afford; and Mr. Middleton has confidentially acquainted me that he has in fact received from his Government the "projet" of a tripartite convention to this effect, and he has communicated to me a copy, which I now inclose, of the full powers with which he has been furnished to negotiate such convention with the plenipotentiaries of Great Britain and Russia.

As neither the instructions nor the powers which I have received in regard to this question were framed in contemplation of any such pretension as that which is now put forward by the American Government, I have explained to Mr. Middleton how impossible it is for me to proceed further with him in the business until I shall have received fresh instructions from you; and I have, with his knowledge, informed M. Poletica that I must, for the present, suspend the conferences (upon the territorial part of the question at least) into which he and I had already entered.

I can not disguise from myself that, judging from the conversations which I have had, both with Count Nesselrode and M. Poletica, upon the general subject of the ukase, these new, and, I must think, unexpected pretensions of the United States are very likely to render a satisfactory adjustment of the business a matter of more difficulty than I at first apprehended.

A full disavowal by Russia of her pretension to an exclusive maritime jurisdiction in the North Pacific Ocean will, I have no doubt, be obtained; but I am strongly inclined to believe that this Government will not easily be brought to acknowledge the justice of any claim of the United States to any part of the territory in question north of the fifty-first degree, and I am still more strongly inclined to believe that, a division once made, this Government will never permit the United States, if they can prevent it, either to fish, settle, or trade with the natives within the limits of the territory which may be allotted to Russia.

I take this opportunity of inclosing to you a copy of the note which I received from Count Nesselrode, the day before he left St. Petersburg, acquainting me that the Emperor had appointed M. Poletica to enter into preliminary discussion with Mr. Middleton and myself upon the different questions growing out of the ukase.

As it appeared by this note that M. Poletica was not empowered to



treat, or, indeed, to pledge his Government to any precise poin
abstained from entering with him as fully into the matter as
have done had his powers been more extensive.

I had, however, two conversations with him, previously to I
dleton's receipt of his last instructions, upon the subject of te
boundary as it regarded ourselves, and I then gave him to un
that the British Government would, I thought, be satisfied
Cross Sound, lying about the latitude of 57½°, as the boundary
the two powers on the coast; and a meridian line drawn from
of Lynn Canal, as it is laid down in Arrowsmith's last map,
the one hundred and thirty-fifth degree of west longitude, as th
ary in the interior of the continent.

M. Poletica, not being authorized to do more than take any
tion of this kind ad referendum, I am of course not yet able t
you, as I am instructed to do by your dispatch No. 12, how fa
formal proposition on this basis, or on the basis of a line drav
fifty-seventh degree, as suggested in that dispatch, might be a
to the Imperial Government. M. Poletica seemed to suggest
fifth degree as that which, in his opinion, Russia would desire
as her boundary; and he intimated that it would be with
reluctance that Russia would, he thought, consent to any den
which would deprive her of her establishment at Sitka, or
Novo-Archangelsk.

Still, I should not altogether have despaired of inducing this
ment to accept Cross Sound as the boundary; and though I a
that in suggesting this point I put in a claim to something n
I am instructed to do in your dispatch above referred to, I thou
it might be for the advantage of the negotiation if I reserved t
osition of the fifty-seventh degree to a later period of it, and,
from the map, it appeared to me that it might be desirable to
possible, the whole group of islands extending along the coas

But the discussion of this, and all other points connected wi
ment of boundary, seems necessarily to be suspended for the
by the nature of Mr. Middleton's late instructions, and I shall
it safe to venture further into the question until I shall have les
opinion of His Majesty's Government upon the pretensions
in those instructions by the United States.

I have, etc., CHARLES I

[Inclosure 2.]

Count Nesselrode to Sir C. Bagot.

ST. PÉTERSBOURG, *le 22 Ao*

M. l'AMBASSADEUR: En quittant St. Pétersbourg, l'Empereur m'a chargé
à votre Excellence que, m'ayant donné ordre de la suivre dans son voyage
autorisé M. le Conseiller d'État Actuel de Poletica à entamer avec vous, M
sadeur, des pourparlers relatifs aux différends qui se sont élevés entre l
l'Angleterre, à la suite du nouveau Règlement donné à la Compagnie Rus
caine par l'Oukase de Sa Majesté Impériale en date du 4 (16) Septembre,

Ces pourpalers auront pour but de préparer les voies à l'ajustement défi
différends, et je ne doute point qu'ils ne facilitent ce résultat si vivement
l'Empereur.

Je saisis, etc., NES

[Inclosure 2.—Translation.]

Count Nesselrode to Sir C. Bagot.

ST. PETERSBURG, *August 22, 1823.*

MR. AMBASSADOR: On leaving St. Petersburg the Emperor charged me to announce to your excellency that, having directed me to follow him on his journey, he had authorized Active-Councillor-of State de Poletica to treat with you, Mr. Ambassador, in regard to the differences which have arisen between Russia and England, in consequence of the new regulations given to the Russian American Company by the ukase of His Imperial Majesty of the 4th (16) of September, 1821.

The object of these negotiations will be to prepare the way for the permanent adjustment of these differences, and I do not doubt that they will facilitate that result which is so earnestly desired by the Emperor.

I take advantage, etc., NESSELRODE.

M. Poletica to Count Nesselrode.

ST.-PÉTERSBOURG, *le 3 novembre 1823.* (Received 7/19 Nov.)

MONSIEUR LE COMTE: Immédiatement après que V. Exc. eût quitté St.-Pétersbourg au mois d'août dernier, je m'occupais de l'exécution des ordres qui m'ont été tracés dans l'office ministériel en date du 18 du même mois.

J'ai pensé qu'avant que d'entrer en pourparlers avec l'Ambassadeur d'Angleterre et l'Envoyé Américain, il convenait de me mettre préalablement bien au fait des dispositions de notre Compagnie d'Amérique, tant à l'égard de la question concernant les limites de ses possessions sur la côte nord-ouest du continent américain, que des objets plus importans de la juridiction maritime, que l'édit du 4 septembre 1821 avait étendu jusqu'à la distance de 100 milles d'Italie des côtes de la terre ferme. Mes entretiens sur ces deux points avec M. le Conseiller privé C. de Lambert, que le Ministere des finances avait constitué organe des intérêts et des vœux de notre Compagnie Américaine, me persuadèrent que les uns seraient mis en sûreté et les autres complettement remplis, si l'on parvenait à fixer les limites des possessions de la dite Compagnie au 54e degré de latitude nord, et en leur donnant pour profondeur tel degré de longitude (méridien de Greenwich) qui dans son prolongement vers le pôle laisserrait en dehors de notre limite la rivière Mackenzie.

Dans la fixation de la longitude M. le C. de Lambert avait eu principalement en vue l'établissement d'une barrière à laquelle s'arrêteraient une fois pour toutes, au nord come à l'ouest de la côte allouée à notre Compagnie Américaine, les empiètemens des agens de la Compagnie Anglaise réunie de la baye de Hudson et de Nord-Ouest qu'une connaissance plus exacte du pays traversé par la rivière Mackenzie aurait pu facilement amener par la suite du tems dans le voisinage de nos établissemens.

M. le C. de Lambert ne me laissa pas ignorer en même tems que notre Compagnie Américaine n'étoit nullement disposé à faire des concessions quelconques, soit aux Anglais, soit aux Americains, sous le rapport du commerce et de la navigation dans les limites de ses possessions reconues. Qu'elle était au contraire fermement décidée à s'en réserver l'exploitation exclusive, et cette détermination de sa part mérite d'être remarquée, vû qu'elle, fermera, selon toutes les probabilités, la principale et même l'unique difficulté dans la négociation avec le Gouvernement des Etats-Unis d'Amérique.

Muni de ces données, qui complettaient les directions et les amples renseignemens qui m'ont été fournis par le Ministère Impérial, je cherchai à me mettre en rapport avec le Chevalier Bagot et M. Middleton.

L'Envoyé Américain se trouvant en ville, fut le premier que j'allai voir. Je lui fis connaître en termes généraux l'objet de ma visite, ainsi que mon vif désir de contribuer même d'une manière indirecte à l'aplanissement des difficultés qui s'étaient élevées entre les deux Gouvernements au sujet des mesures prises chez nous pour protéger les intérêts compromis de notre Compagnie Américaine.

M. Middleton me répondit, à la suite des civilités ordinaires, qu'il regrettait beaucoup de ne pouvoir, pour le moment, se livrer à sa propre impatience, d'entrer aussitôt en matière avec moi, faute d'instructions définitives sur cet important objet, de la part de son Gouvernement; qu'il les attendait incessamment, et qu'aussitôt qu'elles lui seroient parvenues, il s'empresserait de me le faire savoir. Dans le courant de la conversation, M. Middleton me fit entendre, que lui et l'Ambassadeur d'Angleterre étaient convenus de se tenir, pour ainsi dire, par la main dans cette partie de la négociation qui aura trait à la question de la juridiction maritime.

Il était clair, d'après la réponse de l'Envoyé Américain que toute démarche ultérieur de ma part auprès de lui serait superflue, jusqu'à l'arrivée des instructions qu'il attendait. Je pris aussi le parti de me tenir parfaitement tranquille à son égard.

Ce fut à peu près vers le même tems que je vis pour la première fois l'Ambassadeur d'Angleterre à sa campagne.

Le Chevalier Bagot me reçut avec la politesse la plus franche. Et quoiqu'il ne jugea pas à propos non plus de s'expliquer autrement qu'en termes généraux sur l'affaire que nous avions à discuter ensemble, son langage et le ton qu'il y a mis indiquaient clairement les dispositions les plus conciliantes. Il me confirma ce que M. Middleton m'avoit dit, concernant leur accord de suivre en commun la question de la juridiction maritime.

Le Chevalier Bagot remit jusqu'à son retour en ville, qui devait avoir lieu dans une quinzaine de jours, le commencement de nos pourparlers en forme. Effectivement le surlendemain de son retour en ville, l'Ambassadeur d'Angleterre vint me rendre sa visite, qui se passa en pures civilités; cependant il m'insinua que les nouvelles instructions de M. Middleton n'étant point encore arrivées, il serait convenable d'attendre encore quelque temps.

Quelques jours après j'eus l'honneur de dîner chez l'Ambassadeur Britannique. Au sortir de table il me prit à l'écart pour me dire, qu'en attendant les instructions que M. Middleton n'avoit point encore reçues, rien ne nous empêchait d'aborder la question territoriale à laquelle les Américains étaient en quelque façon étrangers. Il me proposait en conséquence de passer chez moi, un jour qui seroit à notre convenance mutuelle.

Toutes mes instances pour engager le Chevalier Bagot à me recevoir chez lui ont été inutiles.

Au jour convenu, le 2 octobre dernier Sir Charles Bagot vint me trouver vers midi. Il débuta par me demander si, dans le cas qu'il me communiquerait une proposition spécifique quelconque relative à la question territoriale, j'étais autorisé à lui déclarer, que cette proposition serait agréable ou non au Gouvernement Impérial. Je répondi aussitôt

à l'Ambassadeur Britannique, que mes instructions ne me permettaient aucune déclaration positive à cet égard; qu'elles se bornaient uniquement à me permettre de discuter confidentiellement soit avec lui, soit avec M. Middleton, l'affaire dont il s'agit, de leur fournir toutes les explications que cette discussion pourrait me suggérer; et cela dans la vue de faciliter la négociation directe et formelle lorsqu'elle viendrait à être établie après le retour de S. M. I.; que ces pourparlers préliminaires, que j'avais été autorisé à entamer avec lui et M. Middleton, avaient paru au Gouvernement Impérial un moyen convenable d'accélérer la négociation directe et d'abréger les discussions subséquentes et les écritures, en tant qu'il serviroit à faire connaître d'avance les vues générales des Gouvernemens respectifs sur l'affaire qu'il s'agissait d'arranger; qu'il s'en suivait par conséquent que je ne pouvais accueillir autrement toute proposition qui serait autrement toute qu'en la prenant *ad referendum.*

Ce point expliqué, le Chevalier Bagot m'interpella de lui faire connaître quelle seroit, dans la pensée du Gouvernement Impérial, la ligne de séparation entre nos possessions sur la côte nord-ouest de l'Amérique et celles que l'Angleterre se croyait en droit de revendiquer. Je crus qu'il convenait mieux d'aborder franchement la question. Laissant donc le côté les circonlocutions, que le Gouvernement Impérial croirait avoir satisfait à toutes les concessions, que réclamait sa modération et son vir désir de maintenir la bonne intelligence avec toutes les puissances étrangères, en fixant la limite entre les possessions russes et anglaises au 54° degré de latitude et en donnant pour longitude telle ligne, qui, dans son prolongement en ligne droite vers le pôle, laisseroit la revière Mackenzie en dehors de la frontière russe.

Le Chevalier Bagot me repondit, après avoir réfléchi un moment, que le point de démarcation, que je venois de lui indiquer, étoit bien loin de celui que son Gouvernement auroit voulu fixer. Il me dit ensuite, que d'après toutes les recherches qui ont été faites en Angleterre et les opinions exprimées par les hommes de loi les plus experts, les droits de la Russie à la possession de la côte nord-ouest de l'Amérique, au-dessous du 60° de latitude, n'étoient rien moins que bien établis; que le seul titre légitime de toute possession territoriale étoit, d'après l'avis des publicistes anglois et leurs hommes de loi qu'on a consultés, non la première découverte ou même la prise de possession selon les anciennes formalités usitées par les navigateurs, mais l'occupation pratique des territoires nouvellement découverts; que cette preuve de droit manquoit aux titres produits jusqu'à présent par la Russie, à l'exception de l'établissement de Novo-Archangelsk, qui ne date toutefois que depuis l'année 1802 ou 1803. A l'appui de ce qu'il venoit de me dire, le Chevalier Bagot me lut une opinion de l'avocat du Roi à Londres, conçue dans le sens qu'il avoit énoncé; et pour me démontrer que les prétentions de la Russie à la possession des points au-dessous du 60° de latitude sur la dite côte étoient d'une origine très récente, l'Ambassadeur Britannique me fit la lecture de quelques pièces de la correspondance (qui eut lieu en 1790) entre le Compte de Florida Blanca et M. Fitzherbert, depuis Lord St. Helen's, lors du différend qui s'étoit élevé entre l'Espagne et l'Angleterre au sujet de Nootka Sound (voyez l'Annual Register de l'année 1790, pages 292–301). Cette correspondance, disait M. Bagot, contenoit d'après les assertions de la Cour de Madrid, une reconnoissance explicite, de la part de la Russie, des droits

de l'Espagne à la possession de la côte nord-ouest de l'Amérique depuis la pointe de la Californie de l'Espagne, jusqu'au 61° de latitude inclusivement.

Au milieu de ce raisonnement, l'Ambassadeur Britannique suspendit brusquement la discussion, pour me dire, que son Gouvernement n'avoit, après tout, nulle intention de traiter la question territoriale d'après les principes abstraites du droit public et celui des gens; que ce seroit le moyen de rendre la discussion interminable; que le Cabinet de Londres attendoit un résultat plus satisfaisant pour les deux parties intéressés d'un arrangement à l'aimable qui ne seroit basé que sur la convenance réciproque, et que c'étoit dans cet esprit que ses instructions avoient été tracées.

Je repondis à Sir Charles Bagot, que dans la question dont il s'agit autant que je pouvois préjuger des dispositions du Gouvernement Impérial, je croyois pouvoir prendre hardiment sur moi de l'assurer, qu'elles s'accordoient parfaitement avec celles du Cabinet de Londres. Je le priai ensuite de me faire connoître le point de démarcation, que son Gouvernement jugeoit devoir séparer les possessions respectives sur la côte nord-ouest de l'Amérique.

Le Chevalier Bagot se mettant alors à la carte géographique que nous avions sous les yeux, traça dessus, avec son doigt, une ligne qui commençoit au 57° de latitude et dont l'intersection désignait le 135° de longitude, meridien de Greenwich, précisément au point, où doit se trouver notre établissement de Novo-Archangelsk.

Cette démarcation laisseroit à coup sûr un espace considérable entre les points de limites indiqués de part et d'autre lors même que le Gouvernement Impérial se décideroit, dans l'intérêt de la conciliation à faire remonter la ligne de démarcation au 55° de latitude, telle qu'elle avoit été déjà désignée dans l'acte d'incorporation accordé à notre Compagnie Americaine en 1799 par l'Auguste Prédécesseur de S. M. I.

Je crus devoir répondre au Chevalier Bagot, qu'il avoit bien raison de trouver que nous étions l'un et l'autre loin de notre compte; que pour ma part, j'en étais d'autant plus peiné, que je n'entrevoyois aucune considération qui dût engager le Gouvernement Impérial à reculer les limites de ses possessions sur la côte Nord-Ouest de l'Amérique, de deux degrés au delà même due point indiqué dans la Charte de l'Empereur Paul I. dont il vient d'être question.

Je lui fis observer, que si l'édit du 4 Septembre 1821, aviot pû blesser les intérêts coloniaux et maritimes de quelques Puissances étrangères, on s'est empressé chez nous, aux premières réclamations qu'elles nous ont fait parvenir, de suspendre les dispositions de cet édit, et spécialement celles qui donnoient le plus de prise à ces réclamations; que dans les explications subséquentes, le Gouvernement Impérial a constamment manifesté les intentions les plus conciliantes; qu'il étoit disposé a faire toutes les concessions réclamées par la justice, et dans la question des limites territoriales et dans celle relative à la jurisdiction maritime. Mais qu'il auroit naturellement beaucoup de répugnance à se dessaisir d'une limite établie par la Charte de Paul I. et sanctionée en quelque façon par une possession non contestée d'environ un quart de siècle.

La dite Charte n'ayant point été officiellement communiquée dans le tems aux puissance étrangères je ne m'obstinerai point à soutenir (disais-je) qu'elle constituât un droit parfait. Mais qu'il n'étoit pas moins vrai, que les puissances étrangères ne pouvoient ignorer l'existence de cette Charte, et que depuis l'époque de sa publication en Russie,

jusqu'à celle de l'édit du 4 Septembre, elle n'a donné lieu à aucune réclamation de leur part.

Je demandois en suite au Chevalier Bagot, s'il ne reconnoissait pas lui même que ce seroit vouloir imposer un sacrifice trop sensible à la dignité du Gouvernement Impérial que de prétendre qu'il dise aujourd'hui à ses propres sujets: Nous vous avons laissés croire depuis 22 ans que les limites de nos possessions sur la côte N. O. de l'Amérique s'étendoient depuis le détroit de Behring jusqu'au 55° de latitude; eh bien, nous vous disons maintenant que c'étoit une erreur et que la limite méridionale doit s'arrêter au 57°, parce qu'on vient de nous démontrer que le territoire que dépasse cette limite ne nous a jamais appartenu.

Finalement je priai le Chevalier Bagot d'observer, que dans toute cette affaire il ne pouvoit être question, pour la Russie, que de concessions; qu'en replaçant les limites de ses possessions sur les continent d'Amérique au 55° (si toutefois le Gouvernement Impérial s'y déterminoit, ce que je ne pouvois prendre sur moi de pressentir) et en modifiant simultanément son principe de juridiction maritime, la Russie satisfesoit non seulement aux désirs raisonables de tous les gens modérés en Angleterre, mais qu'elle fermeroit aussi la bouche aux déclamateurs exagérés du parti de l'opposition, qui ne cessent d'entretenir le public, soit dans les nouvelles du jour, soit dans les séances du Parlement, de ce qu'ils appellent l'ambition démesurée de la Russie.

Car il seroit alors indubitable que les résultats matériels et moraux de la négociation seroient tous à l'avantage de l'Angleterre.

L'Ambassadeur d'Angleterre parut sentir le poids de ces considérations et ne fit même aucune difficulté d'avouer qu'il les trouvoit plausibles. Il me repondit toutefois, que ses instructions ne l'autorisent point à admettre aucune autre ligne de démarcation et qu'il ne lui restoit par conséquent d'autre parti à prendre que de s'en remettre aux avis ultérieurs de la part de son Gouvernement.

En nous séparant, après un entretien de 2 heures et demie, nous nous sommes réciproquement invités à réfléchir sur les objets de notre discussion. J'ajoutai en définitif, que bien que nous fussions loin d'être d'accord sur la question territoriale, je la croyois néanmois avancée et susceptible d'un développement facile et prompt, ne fut ce que par la franchise, que nous avons mis, tous deux, dans la manière, dont nous 'avions énoncée et que cette initiative ne pouvait être que de bon augure.

Dans le compte que je viens de rendre à V. Exc. de mon premier entretien avec l'Ambassadeur d'Angleterre, je me suis particulièrement attaché à consigner, avec une scrupuleuse exactitude, tout ce qui s'est dit entre nous, concernant la question territoriale, que je crois devoir envisager comme le point le plus important de la négociation.

Des considérations d'une importance secondaire, mais que je ne puis passer sous silence, ont été incidentellement mentionnées durant la discussion. C'est ainsi qu'après m'avoir fait part du projet de démarcation conçu par son Gouvernement, le Chev. Bagot est convenu sans hésiter, que les limites entre les possessions respectives une fois établies, nous serions parfaitement les maîtres d'introduire, dans le territoire qui nous sera dévolu, tels règlemens administratifs que notre propre sagesse nous aura suggérés. C'est à dire qu'il nous sera parfaitement libre d'admettre dans nos parages la navigation étrangère, ou bien de nous en réserver exclusivement l'exploitation.

L'Ambassadeur d'Angleterre me déclara de plus, qu'à cet égard son

Gouvernement ne songeait à se ménager aucune exception en faveur des sujets britanniques.

Tout en m'expliquant les motifs qui ont engagé le Gouvernement britannique à faire, pour ainsi dire cause commune avec les Américains, dans la question de la juridiction maritime, motifs que le Chev. Bagot dit avoir communiqués à V. Exc. il convenait avec moi de la manière la plus explicite que la question territoriale ne regardait nullement les Américains. Mais il pensait comme moi, que ces derniers chercheront à obtenir de nous la reconnoissance de ce qu'ils prétendent être un ancien droit à eux appartenant, non seulement de naviguer librement dans nos parages, mais aussi de trafiquer avec les naturels du pays.

Lorsque j'observai au Chevalier Bagot que sa ligne de démarcation nous enlevait, ou la totalité, ou la meilleure moitié de l'isle de St. Georges autrement Sitka (sauf erreur) il me parla d'un dédommagement pécuniaire pour les pertes que nous pourrions y essuyer. Je n'ai pas crû devoir me permettre ni d'encourager, ni de rejetter cette insinuation; je la passai donc sous silence.

Le surlendemain de cette entrevue, Sir Charles Bagot est revenu chez moi dans la matinée, pour me dire que l'objet de sa visite était uniquement de rectifier une erreur involontaire qu'il avoit commise en parlant du 137° tandis qu'il entendait le 135°.

[Translation.]

M. Poletica to Count Nesselrode.

ST. PETERSBURG, *November 3, 1823.* (Received 7/19 Nov.)

COUNT: Immediately after your excellency left St. Petersburg, in the month of August last, I proceeded to the execution of the orders which were given me in the Department on the 18th of the same month.

I thought that before entering into negotiations with the English ambassador and the American envoy, it would be well for me to be thoroughly informed as to the views of our American company, both with regard to the question concerning the boundaries of its possessions on the northwest coast of the American continent, and the more important subject of the maritime jurisdiction, which the edict of September 4, 1821, had extended to the distance of 100 Italian miles from the coasts of the mainland. My conversations on these two points with Privy Councillor Count de Lambert, whom the ministry of finance had appointed to represent the interests and the wishes of our American company, convinced me that the interests would be protected and the wishes entirely satisfied if we succeeded in fixing the boundaries of the possessions of the said company at the fifty-fourth degree of north latitude, and by giving them in depth such a degree of longitude (meridian of Greenwich) as, in its prolongation toward the pole, would leave the Mackenzie River outside of our boundary.

In fixing the longitude, Count de Lambert had mainly in view the establishment of a barrier at which would be stopped, once for all, to the north as to the west of the coast allotted to our American company, the encroachments of the English agents of the amalgamated Hudson Bay and Northwest English Company, whom a more intimate acquaintance with the country traversed by the Mackenzie River

might easily bring in the course of time into the neighborhood of our establishments.

At the same time, Count de Lambert did not leave me in ignorance of the fact that our American company was not in the least disposed to make any concessions whatever, either to the English or Americans, with respect to commerce or navigation within the borders of its acknowledged possessions; that it was, on the contrary, firmly resolved to reserve their exclusive exploitation for itself; and this determination on its part, is worthy of notice, as in all probability it will constitute the chief and even the only difficulty in the negotiations with the Government of the United States of America.

Furnished with these data, which supplemented the directions and the ample information given me by the imperial ministry, I proceeded to place myself in communication with the Chevalier Bagot and Mr. Middleton.

As the American envoy was in the city, I went to see him first. I informed him in general terms of the object of my visit, and expressed my warm desire to contribute, even indirectly, to the removal of the differences which had arisen between the two Governments on the subject of the measures taken by us to protect the threatened interests of our American company.

Mr. Middleton replied, after the usual courtesies, that he greatly regretted that he could not, at that time, indulge his own impatience to enter upon the subject with me at once, as he had no positive instructions from his Government on this important point; that he was expecting them daily, and that as soon as they reached him he would hasten to notify me. In the course of the conversation Mr. Middleton gave me to understand that he and the English ambassador had agreed to go hand in hand, so to speak, in that part of the negotiations relating to the maritime jurisdiction.

It was evident from the American envoy's reply that any further steps on my part near him would be useless until the arrival of the instructions which he was expecting. I therefore decided to remain perfectly quiet so far as he was concerned.

At about the same time I first saw the English ambassador at his country house.

Chevalier Bagot received me with the most open courtesy, and, although he also did not think proper to express himself otherwise than in general terms upon the matter which we were to discuss together, his language and the tone which he used clearly indicated the most conciliatory sentiments. He corroborated what Mr. Middleton had told me concerning their agreement to act in concert on the question of the maritime jurisdiction.

Chevalier Bagot postponed the commencement of our negotiations in regular form until his return to the city, which would be within a fortnight. Accordingly, two days after his return to the city, the English ambassador paid me a visit, which passed in mere civilities, but he intimated that as Mr. Middleton's new instructions had not yet arrived it would be proper to wait some time longer. Some days afterwards I had the honor to dine at the British ambassador's. Upon leaving the table, he took me aside to tell me that, while awaiting the instructions which Mr. Middleton had not yet received, there was nothing to prevent our discussing the territorial question, to which the Americans were, in a measure, strangers. He therefore proposed to me that he

should go to my house on some day that would suit us both. All my efforts to induce the Chevalier Bagot to receive me at his house were in vain.

On the day fixed, the 2d October last, Sir Charles Bagot called on me at about noon. He began by asking me whether, in the event that he communicated to me any specific proposition whatever relative to the territorial question, I was authorized to tell him whether that proposition would or would not be acceptable to the Imperial Government. I immediately replied to the British ambassador that my instructions did not permit me to make any positive declaration on the subject; that they were simply confined to permitting me to discuss the matter in question confidentially either with him or with Mr. Middleton, to furnish them with all the explanations that the discussion might suggest to me; and this, with a view to facilitating the direct and formal negotiations, when they should come to be instituted after the return of His Imperial Majesty; that these preliminary discussions, which I had been authorized to begin with him and Mr. Middleton, had appeared to the Imperial Government to be a suitable means of hastening the direct negotiations and of shortening the subsequent discussions and the writings, in so far as they would make known beforehand the general views of the respective Governments as to the matter which was to be settled; that it followed, consequently, that I could not entertain any proposition otherwise than by taking it ad referendum.

This point having been explained, Chevalier Bagot requested me to inform him what, in the opinion of the Imperial Government, should be the line of separation between our possessions on the northwest coast of America and those which England thought herself entitled to claim. I thought that it would be better to meet the question frankly. Consequently, avoiding circumlocutions [I said], that the Imperial Government would think that it had made all the concessions required by its moderation and its earnest desire to maintain a good understanding with all foreign powers by fixing the boundary between the Russian and English possessions at the fifty-fourth degree of latitude, and by giving for the longitude such a line as in its prolongation in a straight line toward the pole would leave the Mackenzie River outside of the Russian frontier.

Chevalier Bagot, after a moment's reflection, replied that the point of demarcation which I had just designated was very far from being that which his Government would have wished to fix. He then told me that, according to all the researches which had been made in England, and the opinions expressed by the most learned lawyers, the right of Russia to the possession of the northwest coast of America below the sixtieth degree of latitude was anything but well established; that the only legitimate title to any territorial possession was, according to the opinion of the English publicists and that of the lawyers who had been consulted, not the first discovery, nor even the taking possession in accordance with the ancient formalities used by navigators, but the actual occupation of the newly discovered territories; that this proof of the right was wanting in the evidence produced up to the present time by Russia, with the exception of the establishment of Novo-Archangelsk, which, however, only dates from the year 1802 or 1803. In support of what he had just told me, Chevalier Bagot read me an opinion of the the King's counsel, in London, drawn up in the sense

which he had stated; and, to prove to me that the claims of Russia to the possession of the points below the sixtieth degree of latitude on the said coast were of very recent origin, the British ambassador read to me some portions of the correspondence (which occurred in 1790) between Count Florida Blanca and Mr. Fitzherbert, afterwards Lord St. Helens, at the time of the difference which had arisen between Spain and England with regard to Nootka Sound (see the Annual Register for 1790, pp. 292–301). This correspondence, said Mr. Bagot, contained, according to the assertions of the court of Madrid, an explicit recognition on the part of Russia of the right of Spain to the possession of the northwest coast of America, from the point of California, belonging to Spain, to the sixty-first degree of latitude, inclusive.

In the midst of this argument the British ambassador suddenly suspended the discussion in order to tell me that his Government had, after all, no intention of discussing the territorial question according to the abstract principles of public law or of international law; that that would have the effect of rendering the discussion interminable; that the cabinet of London expected a more satisfactory result for the two parties interested, from an amicable arrangement which would be based only upon mutual consent, and that his instructions had been drawn up in that spirit.

I replied to Sir Charles Bagot that in the matter in question, so far as I could foresee the views of the Imperial Government, I believed that I could take upon myself boldly to assure him that they were in perfect agreement with those of the cabinet of London. I then asked him to tell me the point of demarcation, which, in the opinion of his Government, ought to divide the respective possessions on the northwest coast of America.

Chevalier Bagot then placed himself before the geographical map which we had at hand, and traced upon it with his finger a line beginning at the fifty-seventh degree of latitude, the intersection of which designated the one hundred and thirty-fifth degree of longitude west of Greenwich, precisely at the point where our establishment of Novo-Archangelsk appears to be.

This demarcation would certainly leave a considerable space between the boundaries designated on both sides, even if the Imperial Government should decide, in the interests of conciliation, to bring the line of demarcation up to the fifty-fifth degree of latitude, as it had already been fixed in the act of incorporation granted to our American company in 1799 by His Imperial Majesty's august predecessor.

I thought it my duty to tell Chevalier Bagot in reply that he had good reason to say that we were both greatly out in our reckoning; that for my part I regretted it the more because I could see no consideration that could induce the Imperial Government to draw back the boundary of its possessions on the northwest coast of America two degrees beyond the point mentioned in the charter of the Emperor Paul I, which has just been referred to.

I remarked that if the edict of September 4, 1821, had been detrimental to the colonial and maritime interests of any of the foreign powers, we had hastened, at the first remonstrances which they had addressed to us, to suspend the execution of the provisions of that edict, especially those which gave most cause for those remonstrances; that in the subsequent explanations the Imperial Government constantly manifested the most conciliatory intentions; that it was dis-

posed to make all the concessions which justice required, both upon the question of the territorial boundaries and upon that of the maritime jurisdiction; but that it would naturally be very unwilling to abandon a boundary established by the charter of Paul I and confirmed, to some extent, by an undisputed possession of about a quarter of a century.

As the said charter was not at that time officially communicated to the foreign powers, I will not persist in maintaining, said I, that it constitutes a de facto right; but that it was none the less true that the foreign powers could not have been ignorant of the existence of that charter, and that from the time of its promulgation in Russia to that of the edict of September 4, [1821], it had not occasioned any protest on their part.

I then asked Chevalier Bagot whether he did not himself admit that it would be attempting to impose too great a sacrifice upon the dignity of the Imperial Government to require it to say now to its own subjects: "We have allowed you to believe for twenty-two years past that the boundaries of our possessions on the northwest coast of America extended from Bering Strait to the fifty-fifth degree of latitude; well, we tell you now that it was a mistake, and that the southern boundary must stop at the fifty-seventh degree, because it has just been proved to us that that boundary never belonged to us."

Lastly, I requested Chevalier Bagot to take notice that in this whole matter, as far as Russia was concerned, it could only be a question of concessions; that by replacing the boundary of her possessions on the continent of America at the fifty-fifth degree (provided always that the Imperial Government decided to do so, which I could not take upon myself to predict), and by modifying at the same time her theory of maritime jurisdiction Russia not only complied with the reasonable wishes of all moderate people in England, but that she would also silence the extravagant declaimers of the opposition party, who were incessantly haranguing the public, either in the daily papers or in the sessions of Parliament, about what they call the unbounded ambition of Russia.

For there would then be no doubt that the material and moral results of the negotiations would all be to the advantage of England.

The English ambassador seemed to feel the weight of these arguments, and did not hesitate to admit that he thought them plausible. He replied, however, that his instructions did not authorize him to agree to any other line of demarcation, and that consequently he had no other course to take than to await further instructions from his Government.

Upon separating, after an interview of two hours and a half, we each requested the other to reflect on the subjects of our discussion. I added, in substance, that although we were far from agreeing upon the territorial question I still thought that we had made some progress, and that it was susceptible of an easy and speedy settlement, were it only owing to the candor which we had both displayed in our way of discussing it, and that this beginning was very promising.

In the account which I have just given your excellency of my first conversation with the English ambassador I have endeavored especially to repeat with scrupulous accuracy all that was said between us concerning the territorial question, which I think that I ought to regard as the most important point in the negotiations.

Matters of secondary importance, but which I can not pass over in

silence, were incidentally mentioned during the discussion. In this way Chevalier Bagot, after informing me of the plan of demarcation devised by his Government, agreed unhesitatingly that when the boundaries between our respective possessions were once established we would be perfectly free to introduce into the territory allotted to us such administrative regulations as our own wisdom might suggest; that is to say, that we shall have full liberty to permit foreign navigation in our waters or to reserve them exclusively for our own use.

The English ambassador declared to me, moreover, on this subject that his Government was not thinking of procuring any exceptional privileges for British subjects.

While explaining to me the reasons which induced the British Government to make common cause, so to speak, with the Americans in the question of the maritime jurisdiction, which reasons Chevalier Bagot said that he had communicated to your excellency, he agreed with me in the most explicit manner that the territorial question did not concern the Americans in the least; but he thought, as I did, that they would try to obtain from us the recognition of what they claim to be an ancient right belonging to them, not only to navigate our waters freely, but also to trade with the natives of the country.

When I remarked to Chevalier Bagot that his line of demarcation deprived us of the whole or the larger half of the Island of St. George, otherwise called Sitka (if I am not mistaken), he spoke of a pecuniary indemnity for the losses that we might sustain there.

I did not think that I ought to allow myself either to encourage or reject this suggestion. I therefore passed over it in silence.

Two days after this interview Sir Charles Bagot returned to my house in the morning to tell me that the object of his visit was only to rectify an involuntary mistake which he had made in speaking of the one hundred and thirty-seventh degree, when he meant the one hundred and thirty-fifth.

Shipowners' Society to Mr. G. Canning.

NEW BROAD STREET,
November 19, 1823. (Received Nov. 24.)

SIR: In the month of June last you were pleased to honor me with an interview on the subject of the Russian ukase prohibiting foreign vessels from touching at or approaching the Russian establishments along the northwest coast of America therein mentioned, when you had the goodness to inform me that a representation had been made to that Government, and that you had reason to believe that the ukase would not be acted upon; and very shortly after this communication I was informed, on what I considered undoubted authority, that the Russian Government had consented to withdraw that unfounded pretension.

The committee of this society being about to make their annual report to the shipowners at large, it would be satisfactory to them to be able to state therein that official advices had been received from St. Petersburg that the ukase had been annulled; and should that be the case, I have to express the hope of the committee to be favored with a communication from you to that effect.

I have, etc.,

GEORGE LYALL, *Chairman.*

Mr. G. Canning to Count Lieven.

[Private and confidential.]

FOREIGN OFFICE, *November 25, 1823.*

MY DEAR COUNT LIEVEN: I have received the inclosed letter from the Shipowners' Society. My answer to it must be in writing, and not long after it will be in print.

I wish, therefore, that you should know beforehand what the nature of it will be, and for that purpose I inclose a draft of it which I will be obliged to you if you will return with any remark that may occur to you, returning also Mr. Lyall's letter.

I have, etc., - GEO. CANNING.

Count Lieven to Mr. G. Canning.

[Particulière et confidentielle.]

ASHBURNHAM HOUSE, *le 26 Novembre, 1823.*
(Received Nov. —.)

MON CHER M. CANNING: Je vous suis infiniment reconnaissant de la communication que vous avez bien voulu me faire. En vous restituant ci-près les deux annexes jointes à votre lettre, et en me prévalent de la permission que vous avez eu la bonté de me donner, je prends la liberté de vous observer: qu'il serait désirable que le passage marqué au crayon dans la Minute de votre réponse fut substitué par l'annonce, "que les nouvelles instructions données aux Commandants des croisières Russes sont conçues dans l'intention de prévenir les voies de fait entre les vaisseaux Russes et ceux des autres nations, et qu'en général elles peuvent être considérées comme de nature à faire suspendre provisoirement l'effet de l'Ukase Impérial du 4 Septembre, 1821."

Je crois que par ces expressions l'objet de tous serait également atteint.

Veuillez, &c. LIEVEN.

[Translation.]

Count Lieven to Mr. Canning.

[Private and confidential.]

ASHBURNHAM HOUSE, *November 26, 1823.*
(Received Nov. —.)

MY DEAR MR. CANNING: I am infinitely grateful to you for the communication which you have so kindly made to me. Returning herewith the two inclosures to your letter, and availing myself of the permission that you have had the goodness to grant me, I take the liberty of saying it would be desirable that the passage marked in pencil in the rough draft of your reply be replaced by the notice "that the new instructions given to the commanders of the Russian cruisers are drawn up with the idea of preventing collisions between the Russian ships and those of other nations, and that, in general, they may be considered of such a nature as to provisionally suspend the effect of the imperial ukase of September 4, 1821."

I believe that by this mode of expression the object of all would be equally attained.

Pray accept, etc., LIEVEN.

Foreign Office to Ship-owners' Society.

FOREIGN OFFICE, *November 26, 1823.*

SIR: I am directed by Mr. Secretary Canning to acknowledge the receipt of your letter of the 19th instant, expressing a hope that the ukase of September, 1821, had been annulled.

Mr. Canning can not authorize me to state to you in distinct terms that the ukase has been "annulled," because the negotiation to which it gave rise is still pending, embracing, as it does, many points of great intricacy as well as importance.

But I am directed by Mr. Canning to acquaint you that orders have been sent out by the court of St. Petersburg to their naval commanders calculated to prevent any collision between Russian ships and those of other nations, and, in effect, suspending the ukase of September, 1821.

I am, etc.,

F. CONYNGHAM.

Mr. G. Canning to Sir C. Bagot.

No. 2.] FOREIGN OFFICE, *January 15, 1824.*

SIR: A long period has elapsed since I gave your excellency reason to expect additional instructions for your conduct in the negotiation respecting the Russian ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American minister, and the framing such instructions was, of necessity, delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

Upon receipt of your excellency's dispatch No. 48, reporting the arrival of Mr. Hughes at St. Petersburg, with the instructions of the Government of the United States to Mr. Middleton, I applied to Mr. Rush for information as to the tenor of those instructions. I then found, what I had not before been led to suspect, that Mr. Rush had himself authority to enter into negotiations with us as to the respective claims of Great Britain and the United States on the northwest coast of America, although he does not appear to have been instructed to invite such negotiation here if we should prefer leaving it to be conducted at St. Petersburg.

It seemed, however, that it would greatly facilitate your excellency's task at St. Petersburg if we could come to some satisfactory understanding with Mr. Rush on the principles and leading points of the negotiation, and that, at all events, it was advisable to ascertain so much from Mr. Rush as might enable us to judge whether it would or would not be expedient to agree to the proposal of the United States for combining our several negotiations with Russia into one.

Such a combination had indeed already been proposed by us with respect to so much of our respective discussions with Russia as turned upon the maritime pretensions of the Russian ukase. But that proposal had not been made in contemplation of the territorial question to which the pretensions of the United States have given a new and complicated character.

The object in applying jointly to Russia for a disavowal or qualifica-

tion of her maritime pretension was at once to simplify and to soften to Russia that act of qualification or disavowal by enabling Russia to satisfy both powers at once, without special and separate concession. But as, in the question of territorial limits, Russia, at whatever point her pretensions might be stopped, could have but one of the two powers for her neighbor, there did not seem to be any obvious advantage in bringing both to bear upon her together in the settlement of those limits.

It is true that as, while we confine upon the Russian territory to the north, we also confine upon that of the United States to the south, we must at one time or other come to a settlement with each of those powers. But there is no obvious or cogent necessity for making those settlements simultaneous, especially as we have already a convention subsisting with the United States which suspends the necessity of any definite settlement with that Government for five years yet to come.

Whether, therefore, your excellency should be empowered, according to the desire of the Government of the United States, to negotiate and conclude a tripartite arrangement with Russia and the United States, or should be instructed to pursue that negotiation with Russia singly, according to the tenor of your present powers, was a question to be determined in a great measure by the more or less probability of a satisfactory understanding between Great Britain and the United States as to their relative as well as their joint concerns in such negotiation.

Now we have good reason to believe that, in respect to the question of territorial dominion between us and Russia, an arrangement may be agreed upon which will satisfy the wishes and secure the convenience of both parties by a line of demarkation to be drawn between the southernmost settlement of Russia and the northernmost post of the Northwest Company.

The most southern establishment of Russia on the northwest coast of America is Sitka, which is not laid down in our latest maps with sufficient exactness, but which appears by the Russian map published in 1807 to be situated, as the inclosed copy of a letter from Mr. Pelly, chairman of the Hudson's Bay Company, also represents it, in latitude 57°, and not (as the map of which a copy was inclosed to your Excellency indicates) on the continent, but on a small island of the same name at the mouth of Norfolk Sound; the larger islands contiguous thereto, forming (what is called by Vancouver) King George's Archipelago, are separated from each other by a strait, called Chatham Strait, and from the mainland by another strait, called Stephen's Strait or passage. Whether the Russians have extended their settlements to these larger islands is not known, but Mr. Pelly positively avers that they have no settlement on the mainland, nor any commerce to the eastward of the coast. He suggests, therefore, either the channel between the islands, or that between the islands and the mainland, as the most desirable line of demarcation to the eastward, which being agreed to, the line to the southward might be drawn so as to comprehend Sitka and all the Russian settlements upon the islands. If this agreement could be obtained, it would effectually prevent all danger of a collision with Russia; and the United States not intending, as it is understood, to urge any claim in opposition to that of actual occupancy, whether on the part of Russia or of Great Britain, in the latitudes in which the claims of Great Britain and Russia come in contact, the

intervention of the United States in such an arrangement could be necessary only as an umpire.

Such an intervention in this case is not likely to be required, on account of an irreconcilable conflict between Great Britain and Russia; nor would a power whose pretensions are (theoretically at least) in conflict with both parties be the fittest for such an office.

Your excellency's dispatch No. 48 describes latitude 55° as the point at which M. Poletica appeared to wish that the line of demarcation between Russia and Great Britain should be drawn. By a memorandum which I have received from Mr. Rush of what his Government would propose as a general settlement, it appears that latitude 55° is the point which the United States likewise have proposed for that same line of demarcation.

This coincidence certainly argues either a foregone understanding between Russia and the United States, or a disposition on the part of the United States to countenance and promote what they know to be the desire of Russia.

When to this statement I add that the United States propose, according to the aforesaid memorandum of Mr. Rush, to draw the line of demarcation between themselves and Great Britain at latitude 51°, the point at which the Russian pretension, as set forth in the ukase of 1821, terminates, it does not seem very uncharitable to suppose that the object of the United States in making a selection, otherwise wholly arbitrary, of these two points of limitation for British dominion, was to avoid collision with Russia themselves, and to gratify Russia at the expense of Great Britain. There is obviously no great temptation to call in such an arbiter, if the partition between Russia and ourselves can be settled, as no doubt it can, without arbitration.

By admitting the United States to our negotiation with Russia, we should incur the necessity of discussing the American claim to latitude 51° at the same time that we were settling with Russia our respective limits to the northward.

But the question of the American claim is for the present merged in the convention of 1818; and it would be a wanton increase of difficulties to throw that convention loose, and thus to bring the question which it has concluded for a time into discussion precisely for the purpose of a coincidence, as embarrassing as it is obviously unnecessary.

If Russia, being aware of the disposition of the United States to concede to her the limit of latitude, 55°, should on that account be desirous of a joint negotiation, she must recollect that the proposal of the United States extends to a joint occupancy also, for a limited time, of the whole territory belonging to the three powers; and that the convention now subsisting between us and the United States gives that joint occupancy reciprocally to us in the territory to which both lay claim.

To this principle it is understood the Russian Government object; nor, so far as we are concerned, should we be desirous of pressing it upon them; but as between ourselves and the United States we are not prepared to abandon it, at least for the term for which the convention of 1818 has to run. There would be some awkwardness in a tripartite negotiation which was not to be conducted and concluded in all its parts upon a uniform principle.

These reasons had induced us to hesitate very much as to the expediency of acceding to the proposition of the United States for a com-

mon negotiation between the three powers, when the arrival of the speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself, and susceptable of being stated to Mr. Rush with more explicitness than those which I have now detailed to your excellency. I refer to the principle declared in that speech, which prohibits any further attempt by European powers at colonization in America.

Upon applying to Mr. Rush for an explanation of this extraordinary doctrine, I found him unprovided with any instructions upon it. He said, indeed, that he had not heard from his Government since the opening of the Congress, and had not even received officially a copy of the President's speech.

His conviction, however, was, that against whatever power the President's doctrine was directed, it could not be directed against us. He appealed in support of that conviction to the existence of the convention of 1818, by which we and the United States hold for a time joint occupancy and common enjoyment of all the territory on the northwest coast of America above latitude 42°.

It was obviously the impression on Mr. Rush's mind that this pretension on the part of his Government was intended as a set-off against the maritime pretension of the Russian ukase.

I do not mean to authorize your excellency to report this construction at St. Petersburg as that of the American minister, but you will have no difficulty in stating it as one to which we think the President's speech liable, as that indeed which appears to us to be by far the most probable construction of it; as such, it furnishes a conclusive reason for our not mixing ourselves in a negotiation between two parties whose opposite pretensions are so extravagant in their several ways as to be subject not so much of practical adjustment as of reciprocal disavowal.

Mr. Rush is himself so sensible of the new consideration which is introduced into the negotiation by this new principle of the President's that although he had hitherto urged with becoming pertinacity the adoption of the suggestion of his Government, he has, since the arrival of the President's speech, ceased to combat my desire to pursue the course already begun of a separate negotiation at St. Petersburg, and has promised to write by this messenger to Mr. Middleton to prepare him for your excellency's continuing to act upon your former instructions.

It remains, therefore, only for me to direct your excellency to resume your negotiation with the Court of St. Petersburg at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavor to bring it as speedily as possible to an amicable and honorable conclusion.

The questions at issue between great Britain and Russia are short and simple.

The Russian ukase contains two objectionable pretensions: First, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them; you will therefore urge Count Nesselrode to furnish you with his notion of such a decla-

ration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the convention of limits.

As to the territorial question, I have already stated that the line of demarcation the most satisfactory to us would be one drawn through "Chatham Strait," the channel separating the island on which Sitka is situated from the island to the eastward of it, or if the Russians have establishments on that island also, then through the channel called "Stephen's Passage," which separates the whole archipelago from the mainland.

If one or the other of these channels can not be obtained as the boundary, then the line must be drawn on the mainland to the north of the northernmost post of the Northwest Company from east to west till it strikes the coast, and thence may descend to whatever latitude may be necessary for taking in the island on which Sitka stands.

It does not appear from your excellency's dispatch how far the line proposed by M. Poletica to be drawn at latitude 55° was intended to run to the eastward. If to the Rocky Mountains it obviously would be wholly inadmissible by us, inasmuch as the communication of the Northwest Company from Canada through those mountains with the whole of the northwest country is in a higher latitude than 55°.

Neither has Russia any claim whatever to any inland territory approaching that latitude. She has no occupancy inland. Mr. Pelly's report denies that she has any even on the coast. And it is to the coast alone that discovery could, in the nature of things, give any title.

It is absolutely essential, therefore, to guard against any unfounded pretension, or any vague expectation of Russia to the eastward, and for this purpose it is necessary that whatever degree of latitude be assumed, a definite degree of longitude should also be assigned as a limit between the territorial rights of the two powers.

If your excellency can obtain the strait which separates the islands from the mainland as the boundary, the prolongation of the line drawn through that strait would strike the mainland near Mount Elias—the lowest point of unquestioned Russian discovery. But if that were too much to insist upon, the one hundred and thirty-fifth degree of longitude, as suggested by your excellency, northward from the head of Lynns Harbor, might suffice.

It would, however, in that case be expedient to assign, with respect to the mainland southward of that point, a limit, say, of 50 or 100 miles from the coast, beyond which the Russian posts should not be extended to the eastward. We must not on any account admit the Russian territory to extend at any point to the Rocky Mountains. By such an admission we should establish a direct and complete interruption between our territory to the southward of that point and that of which we are in possession to the eastward of longitude 135° along the course of the Mackenzie River.

As your excellency had already made so much way in previous discussion, it is to be hoped that, on resuming the negotiation, very little time need be required to bring it to a conclusion. It is extremely important to conclude it as quickly as possible.

It being once decided not to negotiate jointly with the United States, we must take care to be out of the way while the discussions between Russia and the United States are going on; and the example of having come to agreement with us promptly and amicably on both points of litigation would, perhaps, be not less valuable to Russia in her subse-

quent discussions with the United States, than would have been the facility which we had in contemplation for Russia when we originally proposed that her disavowal of the maritime principle should be addressed simultaneously to us both.

At that time our claim to such disavowal and the claim of the United States were precisely alike; Russia had nothing to plead against either of us as a compensation for those claims. The principle put forth by the President of the United States has introduced a difference between the respective situations of the United States and Great Britain with respect to Russia which did not exist before. In the former state of things it might have been expedient, both for ourselves and for the United States, as well as less distasteful to Russia, to return an answer common to us both; but, as things stand now, Russia might naturally wish to qualify her answer to the United States with some reciprocal demand of explanation.

The only point of view in which the United States could now insist upon interfering with, or even taking cognizance of, the negotiation between us and Russia would be in order to see that the pretensions on the northwest coast of America derived to the United States from Spain through the treaty of 1819 were not prejudiced by our separate agreement.

That object can not be more effectually provided for than by inserting into our convention with Russia, as a protection for the claims of the United States, that part of the third article of the convention concluded by us with the United States in 1818 which was inserted in that convention for the protection of the claims of Spain herself in the rights which she had not then ceded. By that article it is stipulated that the agreement between the two contracting parties "should not be taken to affect the claims of any other power or state in any part of the said country." Such a clause your excellency will voluntarily propose to insert in the convention which you are to conclude with Count Nesselrode; and you will apprize Mr. Middleton of your intention of proposing that insertion.

I am, etc., GEORGE CANNING.

[Inclosure 1.]

Hudson's Bay Company to Mr. G. Canning.

HUDSON'S BAY HOUSE, LONDON, *January 8, 1824.*

SIR: In reference to the conversation which I had the honor of having with you on Monday last, I beg to call your attention to my letter of the 25th September, 1822, on the subject of the trading stations of the Hudson's Bay Company in the countries on the northwest coast of America.

In addition to what is therein stated, I have to inform you that it appears, by the intelligence received this last season, that our traders are extending their posts still farther to the northward in the country to the west of the Rocky Mountains.

It may be proper for me also to mention that the Hudson's Bay Company have a chain of trading posts on the McKenzie's River as far north as about 67° north latitude, and that Indians trade at those posts who come from the countries lying to the west of that river and to the north of 60° north latitude, and that our traders are extending their posts to the westward into that country.

The Russian station called "Sitka" is an island, and can give no claim by occupation to any part of the continent. But even if they had stations on the seacoast of the continent, this could not be held to give to Russia a better claim to a southern boundary on a line of latitude eastward than our stations in 67° north latitude give to Great Britain to one on a line of latitude westward.

From a want of accurate knowledge of the courses of the rivers or ranges of mountains, it is difficult to suggest any satisfactory boundary in the interior of the country in question, and (if consistent with your views) it might, perhaps, be sufficient at present to settle a boundary on the coast only and the country 50 or 100 miles inland, leaving the rest of the country to the north of that point and to the west of the range of the mountains, which separate the waters which fall into the Pacific from those which flow to the east and north, open to the traders of both nations.

In this case, I would suggest the northern end of the inlet called Chatham Straits as the most southern point at which the coast boundary ought to be fixed. This is but a little (if at all) to the north of the most northern trading station in the country to the west of the Rocky Mountains.

The islands lying to the west of Chatham Straits may be given to Russia; but the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it.

If it is considered proper to fix at present the interior boundary, I would suggest a line drawn from the above-mentioned point at Chatham Straits due north until it strikes the range of mountains which separate the waters (being the supposed continuation of the range called the Rocky Mountains), and thence to follow the ridge of these mountains to the Frozen Ocean.

This is the greatest concession which I think it would be advisable to make to Russia with regard to the interests of the British fur trade, and it would be desirable, as the means of preventing the risk of collision between the traders of the two nations, if Mount Elias on the coast at 60° north latitude was taken as the boundary point, from whence the line of longitude should be drawn.

I have, etc., J. H. PELLY.

[Inclosure 2.]

Memorial relating to the northwest coast of America.

The principal settlements of the Russian Fur Company in the North Pacific Ocean are on the Aleutian or Fox Islands, the Island of Kodiak being the great entrepôt or magazine of the peltries, which are collected in the neighboring islands and from Cooks Inlet, Prince Williams Sound, where, however, it does not appear the Russians have establishments inland, but the furs are collected by a coasting trader in the "baidarkat" or canoes.

Mr. G. S. Langsdorff, who accompanied Captain Krusenstern in his voyages in the years 1803, 1804, 1805, 1806, and 1807, in giving an account of the fur trade, gives the following statement and history of the settlement of Lichta:

"The constant decrease in the number of sea otters upon the coast of Kamchatka induced the Russians to extend their possessions eastward, first to the islands between the coasts of Asia and America and finally to the northwest coast of America.

Norfolk Sound appearing to present a favorable spot for an establishment, it was considered expedient to take possession of it. A fortress, with proper warehouses and dwelling houses, were built. * * * After a time, the natives rose upon the Russians and killed almost the whole party. In the year 1804 the director, M. de Rosanoff, again took possession of it with a large force, building a fortress and giving it the name of Kerr Archangel.

If present occupation gives to a government the right of possession, the occupancy of Norfolk Sound could not give to Russia a claim to the coast bordering on the islands or the interior mainland, and it does not appear that Russia has any ports or settlements on the northwest coast of America which would give to Russia any right of claim to the country by present occupancy, except at a settlement called Bodego, which is on the coast of New Albion, in latitude 38° 30′.

The country of New Albion is covered with oak-ash pine timber of large dimensions, fit for shipbuilding, and on the coast of California a very fine description of hemp is found. The land is capable of the highest state of cultivation, producing excellent wheat, potatoes, hemp, and all kinds of vegetables.

The Russians build vessels of large burden at their settlement, and, under the pretext of encouraging the fur trade, have encroached so far south; and in the year 1805 they sent a M. de Resankoff to negotiate with the Spanish Government for permission to form an establishment in New California, which negotiation, however, failed.

The Russian Government have, however, never lost sight of this place, and it is

supposed are endeavoring to purchase the Californias from Spain; the possession of which would not only enable the Russian Government to form a naval arsenal in the Pacific, and, under the pretext of encouraging the fur trade, to form a hardy race of seamen and bold adventurers, but would give to that Government the power of interfering with the liberties of South America.

Russia can have no claim to the country of New Albion by the right of first discovery. This right is claimed by Great Britain and Spain, but from various authorities it belongs, beyond a doubt, to Great Britain, which it would be of great importance to establish, should Spain have ceded this country to Russia.

In the year 1574, Abraham Artilius, the geographer of the King of Spain, acknowledged that the northwest coast of America was quite unknown, and a few years after this declaration, Queen Elizabeth sent Sir Francis Drake on an expedition round Cape Horn, which he named Queen Elizabeth's Foreland, and he sailed as high as 48°, if not higher, landing at different places, and taking possession of the country, which he called New Albion, and which has been so named ever since.

It would thus appear the Russians have no claim to the coast, or to the mainland on the northwest coast of America, except to the land about Bodega, either by present occupancy or from first discovery, the land, which Icherikoff made in 1741, being the coast of Norfolk Sound and Island, and divided from the mainland by a broad channel, and as it does not appear that Russia has anywhere establishments or posts on the northwest coast of America lower than Prince Williams Sound, except Bodega, which could give her the claim to present occupancy.

Great Britain has, however, establishments of posts up to 37°, trading with Indians, to the northward, and a post on Mackenzie River as high as 67°, which are increasing by expeditions of discovery, and it may fairly, and with great reason, be hoped that Captain Franklin in his expedition will discover and take possession, if no treaty to the contrary is made, of all the coast and country to the westward of Mackenzie River as far as Icy Cape.

Mr. Enderby to Board of Trade.

PAUL'S WHARF, *February 7, 1824.*

SIR: After the long and patient audience you admitted Mr. Mellish and myself to on the 5th instant, I hope you will pardon my intruding on you by letter on the subject of nations claiming boundary lines of waters to prevent their colonies being interfered with.

Previous to the convention which was concluded with Spain in 1790 Mr. Pitt sent to desire I would call on him at the Treasury, which I did; he asked me how near the coast of Spanish America in the Pacific Ocean we fished for whales. I answered, frequently within 3 sea leagues. Mr. Pitt said he could not ask for such a short distance from the Spanish colonies on the coast of the Pacific Ocean, where all their most valuable gold and silver mines are placed, as they would be great objects for illicit trade, and that Spain was very jealous of any foreign intercourse with their most valuable colonies. Mr. Pitt said he believed Spain would be satisfied with a boundary line of 10 sea leagues from the coast, which I acceded to in behalf of the adventurers in the whale fishery.

As I conclude that a boundary line of waters in the North Pacific Ocean will be agreed to between Great Britain and Russia, I hope I may be pardoned suggesting that there ought not to be any boundary line in entering into Bering Straits for the purpose of fishing or of attempting to find a passage through. Bering Straits are very narrow in all parts, and it would be almost impossible to fish in those straits without being daily within 5 or 6 leagues from the Russian colonies on the eastern coast of the straits.

All I ask is that we may be protected in all our fair pursuits and

enterprises in killing whales, seals, and other amphibious animals, and in exploring and navigating the most distant and unknown parts of the oceans in search of islands not colonized without control from any foreign power.

I have, etc., SAM. ENDERBY.

Admiral Mordvinof to Count Nesselrode.

[Translation.]

20 FEBRUARY, 3 MARCH, 1824.

DEAR SIR: One of the members of the American Company has written a refutation of the rights to the sovereignty of the northwest coast of America arrogated to themselves by the English in the foreign newspapers. He intends to publish his work in one of the local journals, but as such intention can not be carried out without your excellency's personal approval, I have the honor to submit the production to your judgment.

It is well known that England boldly and without restraint arrogates to herself far and wide the rights of barter, trade, and jurisdiction, and in settling the boundaries of regions adjoining her colonies she measures for herself in degrees and leaves to her neighbors for their share miles, versts, and sagenes. She prepares herself with an extent of territory not requisite for the present time only, but what may appear necessary at some future time.

Seaboard colonies require for their welfare not only the control of the shore, but there is need of fields and forests, plains and mountains for the satisfying of the inhabitants' various and numerous wants.

England, landing at Port Jackson, proclaimed to all the powers that the whole of New Holland belonged to her, covered it on all the maps with her color, and permits no one to dispute her rights on this the greatest island in the world.

The Russians were the first to discover the northwest coast of America and effected the first settlements on it. They were the first to become acquainted, make friends, and join in barter, and even in family alliances, with the inhabitants of the mainland of this region.

For the maintenance of the original inhabitants in independence, Russia spared neither labor nor expense, subjected herself for many years to dangers, sustained many shipwrecks, and obtained rights which no other nation can lay claim to.

But if Russia did not possess so many solid and unquestionable rights, by the development of a wild region by natural right belonging to no one, it might appear immodest and rash if one of the negotiating parties demanded for herself the possession of the whole territory, and to her friendly neighbor left a little strip of no consequence, thirty or forty versts in width, and offered to a power of equal rank that which would make a nobleman well to do.

Russia already in the forties of the last century counted herself the sovereign of the northwest portion of America to the 55th degree of latitude, and annexed to her power the peoples inhabiting all the extent of the mainland up to the Cordillera Mountains themselves, a boundary laid out by nature; England only in recent times discovered the course of the river Mackenzie, which stretches out on the eastern side of those mountains.

In the determination of boundaries of domains by geographical

degrees, in the designation of frontiers by parallel and a meridian, versts and miles can not be accepted for the allotment in lands to one or the other side of those negotiating as to a mutual and just separation.

They can not be accepted when the separation is effected in a friendly manner and on the basis of mutual advantages, and this was proposed as a condition.

By the assignment to Russia upon the territory belonging to our Novo-Arkhangel colony, and along the coast to the north for a large extent, limited to 40 miles in width, we shall be pushed behind the 60th degree; for we shall have to leave all our colonies below that degree and recognize as English subjects all the inhabitants there converted by us to the Greek-Russian faith. Then we shall be in fact deprived of our old-time property which we have controlled even from the times of the Empress Anne. A little strip 40 miles wide can not furnish a useful possession in any connection not honorable for Russia as a power.

In 1822 a committee, composed of 22 ministers, for the investigation of the respective rights, recognized the autocracy (sovereignty) of the Emperor Alexander in northwest America to the parallel of the 51st degree, and upon this recognition was given out an imperial manifest for the declaration to all the foreign powers of the limits of the Russian Empire in America.

The small usefulness of a vast realm of wild territory certainly appears at the present time, but we can not forget the sacrifice made by Russia to the Chinese, of the domain lying from the Yablonoi Mountains to the Amur River. At the time of that sacrifice we were satisfied with the vast extent of Siberia and looked with contempt on the wilderness of the sacrificed territories, but now it is dawning on us that the Amur, the only river flowing out of Siberia into a sea for navigation, does flow altogether in our domains and this great loss we can not retrieve.

If at the present time circumstances should not be favorable for a profitable and just assignment of our boundaries on the mainland, then does not your excellency acknowledge as beneficial to lay aside the negotiations on this article until another time, and limit himself to the opening of the port of Novo-Archangelsk for the free entrance into it of foreign vessels, with the establishment of trade regulations and with the maintenance of the prohibition to have direct traffic with the savages, and to supply them with arms and powder, which they turn against us and against them as well, for it is known that several Americans of the United States have been killed with guns given by Europeans?

To the English and to the Americans the opening of our port is equally beneficial, and also for us, and they seek it very zealously. In the present affair they are the solicitors rather than we.

Brevity of time does not permit me to explain properly my meanings; therefore I humbly request your excellency to permit me to come to you, designating an hour that is free for you.

I have the honor, &c.

Sir C. Bagot to Mr. G. Canning.

No. 23.] ST. PETERSBURG, *March 17 (29), 1824.*
(Received April 13.)

SIR: It is with a feeling of considerable disappointment that, after a constant negotiation for more than six weeks, after having gone to

the utmost limit of your instructions—and after having taken upon myself to go even far beyond them—I should nevertheless have to acquaint you that I have entirely failed in inducing the Russian Government to accede to what I consider to be a fair and reasonable adjustment of our respective pretensions on the northwest coasts of North America, or to the adoption of any line of territorial demarcation which appears to me to be reconcilable, under the spirit of your instructions, with our legitimate interests in that quarter of the world.

In order that I may put you in complete possession of the whole course of my negotiation upon this subject, and may explain the precise grounds upon which I have felt myself compelled to suspend, for the present, all further proceedings in this business, it will, I fear, be necessary that I should enter into a detail of some length, and that I should load this dispatch with several papers which are now become of importance.

It was on the 16th of last month that I had my first conference upon this question with the Russian plenipotentiaries, Count Nesselrode and M. Poletica. I opened this conference by explaining to the plenipotentiaries the reasons for which His Majesty had judged it advisable to treat separately upon this matter, rather than, as it had been originally intended, in concert with the Government of the United States. I then laid before them Count Lieven's note to you of the 31st January, 1823, proposing that the question of strict right should be provisionally waived on both sides, and that the adjustment of our mutual pretensions should be made upon the sole principle of the respective convenience of both countries.

This basis of negotiation being willingly accepted by all parties, I stated that, so far as I understood the wishes and interests of Russia, her principal object must be to secure to herself her fisheries upon the islands and shores of the northwest coasts of North America and the posts which she might have already established upon them; that, on the other hand, our chief objects were to secure the posts upon the continent belonging to the Hudson Bay Company, the embouchures of such rivers as might afford an outlet for our fur trade into the Pacific, and the two banks of the Mackenzie River; that, in the belief that such were our respective objects, I would propose as our boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence northwest to the one hundred and fortieth degree of longitude west of Greenwich, and then along that degree of longitude to the Polar Sea.

This proposal was made by me verbally, and was taken for consideration by the Russian plenipotentiaries, who at our next meeting offered a "contre-projet," which I afterwards requested might be reduced to writing, and of which I inclose a copy (Inclosure 1).

In offering this "contre-projet," Count Nesselrode seemed to intimate that, however disposed the Emperor might be to retract pretensions advanced by himself which might be thought to conflict with the interests of other powers, it would be asking too much of the imperial dignity to require that pretensions advanced twenty-five years ago by the Emperor Paul, and which had been hitherto undisputed, should be now renounced. I thought it my duty, upon an intimation of this kind being made, to declare at once that all considerations of such a nature were incompatible with the stipulated basis of our negotiation, and that if the question of national dignity was to be touched, I, too should have much to say upon that head, and should probably find it quite

impossible to make those concessions which, upon the simple ground of mutual convenience, I might perhaps without difficulty do. This explicit declaration had its desired effect, and the Russian plenipotentiaries engaged not to introduce again arguments of this kind into our discussions.

As the "contre-projet" offered to me appeared to be, generally speaking, entirely inadmissible, I drew up such a modification of my original proposal as would, I thought, meet the only reasonable objection made to it (an objection made in conversation by the Russian plenipotentiaries), viz, the inconvenience which Russia might experience by vessels of the United States claiming a right, under their convention with Great Britain, to visit the waters lying between King George's Archipelago and the islands and continent to the eastward of it, and which might, in this manner, seriously annoy the subjects of His Imperial Majesty in their pursuits and occupations upon those shores.

This modification of my first proposal will be found in the inclosed paper (inclosure 2), which I delivered to the Russian plenipotentiaries at our next conference.

You will observe that in making the proposal so modified, I, in fact, exceeded, in some degree, the strict letter of your instructions by assigning to Russia the islands lying between Admiralty Island to the north and Duke of York and Prince of Wales islands to the south, but I entertained sanguine expectations that such a proposal, coupled with the concession of a line of coast extending 10 marine leagues into the interior of the continent, would have been considered as amply sufficient for all the legitimate objects which Russia could have in view, and quite as much as she could pretend to with any shadow of real claim or justice.

So far, however, from this being the case, my amended proposal was met at our next conference by observations which I again requested might be reduced to writing, and which will be found in the inclosed paper (Inclosure 3).

As, in this paper, parts of the main continent to which Russia can not by possibility have ever acquired any claim, and of which Great Britain is at this moment actually in partial occupation, are offered to His Majesty in the light of concessions, it became necessary for me to reject any such offers as a boon in the most explicit terms, and you will find that I have not failed to do so in the inclosed paper (Inclosure 4), with which I replied to the paper in question.

As, however, I felt strongly the importance of adjusting this business, if possible, at the present moment, and as I felt also that although the Russian plenipotentiaries had, in consequence of my former remarks, agreed to waive altogether all question of national dignity in discussing it, His Imperial Majesty might yet possibly feel an invincible repugnance to retract from the pretensions advanced by the Emperor Paul in the charter given to the Russian-American Company in 1799 (however unacknowledged by other powers such pretension might have been), I thought that I should not act in opposition to the spirit at least of my instructions if, in deference to such a sentiment on the part of the Emperor, and with a view to finish the business quickly, I ventured to make yet one other proposition which, while it saved this point of dignity to Russia by giving to her the fifty-fifth degree of latitude as her boundary upon the islands, might preserve also uninterrupted our

access to the Pacific Ocean, and secure to His Majesty the fifty-sixth degree of north latitude as the British boundary upon the coast.

The proposition by which I had hoped to effect these objects will also be found in the paper (Inclosure 4), in delivering which I gave it clearly to be understood that it contained my ultimate proposition.

It was not till the day before yesterday, that is, nearly ten days after I had given in this paper, that I was invited to another conference, when I was informed that the Imperial Government had, after anxious consideration, taken their final decision, and that they must continue to insist upon the demarcation as described by them in the first paper (Inclosure 1).

Finding this to be the case, I repeated that I had already gone far beyond the utmost limit of my instructions, and that I was sorry to say that I must now consider our negotiations as necessarily suspended, so far at least as the question of territorial demarcation was concerned.

Count Nesselrode then inquired whether I should object to transmit to my court the final decision of himself and M. Poletica as it is declared in the inclosed paper (inclosure 5), and whether I did not think that His Majesty's Government, seeing how slight our disagreement was, might not be disposed to furnish me with such further instructions as would enable me to meet the views of the Russian Government, informing me at the same time that it was intended to acquaint Count Lieven by the courier, who is to be dispatched to night to London, with the course which the negotiation had taken, and to instruct him to hold some conversation with you upon the subject.

I told Count Nesselrode that I should, of course, feel it to be my duty to transmit this and all other papers connected with the negotiation to you without loss of time, but that I could not by any means take upon myself to say what might be the opinion of His Majesty's Government as to the pretensions so tenaciously adhered to by the Imperial Government, further than by saying that certainly they were such as had never been contemplated by my court in the instructions with which I had been as yet furnished, and that if a territorial arrangement perfectly satisfactory to both parties could not now be made, it might possibly be thought by my Government that our respective pretensions might still remain without any serious inconvenience in the state in which they had before stood, and that it would only be necessary for the present to confine their attention to the adjustment of the more urgent point of the maritime pretensions—a point which would not admit of equal postponement.

In reply to this observation Count Nesselrode stated, to my extreme surprise, that if the territorial arrangement was not completed, he did not see the necessity of making any agreement respecting the maritime question; and I found myself most unexpectedly under the necessity of again explaining very distinctly, both to him and to M. Poletica, that the maritime pretension of Russia was one which, violating as it did the first and most established principles of all public maritime law, admitted neither of explanation nor modification, and that my Government considered themselves possessed of a clear engagement on the part of Russia to retract in some way or other a pretension which could neither be justified nor enforced.

Here the matter rested; but I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all

believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retraction of the maritime pretension, or as regards our western boundary, or any of the other minor details which we should have been called upon to adjust; but the observation was made, and considering what has already passed upon this subject both here in London and in America, considering also the delicacy with which His Majesty had left it to the Russian Government themselves to frame the terms in which their retractation of this preposterous pretension should be made, His Majesty's Government may perhaps think it advisable that Count Lieven should be again given clearly to understand that it is a point to which no slight importance is attached by His Majesty, and that the pretension as it now stands will admit of no remedy but that of public, formal, and precise retractation in some shape or another.

Such has been the course of my late negotiation upon this question, and such the grounds upon which I have thought it my duty to suspend it for the present.

I know full well the inconvenience of breaking off such a negotiation in such a stage and upon a point which, judging only by the map, might perhaps appear of so little real importance to His Majesty's present interests, but when I consider by how much I have already exceeded my instructions, how more than doubtful is the real right of this Government to any part of the territory in most immediate dispute, and how much more exorbitant are their pretensions upon the north-west continent of America than I had before had reason to suspect, I certainly could not venture to take upon myself the heavy responsibility of making any further concessions of a territory the value and possible local advantages of which I had no means of estimating, and which I believe are as yet so imperfectly known.

It is somewhat remarkable that while the Russian pretension of maritime jurisdiction stands unrecalled among the ukases of the Imperial Government, a note such as that of which I herewith inclose a copy should have been addressed to me in the midst of our negotiations asking protection for a Russian ship to navigate in safety those very seas and visit those very shores which the Court of Russia has by such high-handed decrees declared to be a part of her exclusive dominions; and a part, too, which the other powers of the world are forbidden to approach.

I have not yet answered this note, but if I am pressed to do so before I can receive the instructions of His Majesty's Government in respect to it, I shall certainly grant the certificate required, as was done in a former and similar instance by Lord Cathcart.

I have, etc.,

CHARLES BAGOT.

[Inclosure 1.]

Counter-Draft by Russian Plenipotentiaries.

Les proposition faites par les Plénipotentiaires de Russie à Sir Charles Bagot, et que son Excellence a été priée de prendre en mûre considération, tendoient à faire admettre le 55e degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte nord-ouest de l'Amérique.

Cette même limite a déjà été assignée aux possessions Russes par la Charte que feu l'Empereur Paul Ier accorda à la Compagnie Américaine.

Comme le parallèle du 55° degré coupe l'ile du Prince de Galles dans son extrémité méridionale, laissant en dehors deux pointes de terre, les Plénipotentiaires de Russie ont proposé que ces deux pointes fussent comprises dans les limites Russes, voulant éviter par la une division de territoire également incommode aux deux parties intéressées.

Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte.

De ce point, la limite remonteroit le long de ces montagnes parallèlement aux sinuosités de la côte, jusqu'à la longitude du 139 degré (méridien de Londres), degré dont la ligne de prolongation vers le nord formeroit la limite ultérieure entre les possessions russes et angloises au nord, comme à l'est.

Le motif principal qui force la Russie à insister sur la souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 60° avec le 139° de longitude, c'est que, privée de ce territoire, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir les établissemens qu seroient dès lors sans point d'appui, et qui ne pourroient avoir aucune solidité.

En revanche la Russie se feroit un devair d'ouvrir aux sujets de Sa Majesté Britannique la libre navigation de tous les fleuves qui aboutissent à l'océan dans cette même lisière.

Pour donner une dernière preuve de son empressement à aller au devant des vœux du Gouvernement Anglois, elle ouvriroit aussi au commerce des sujets de Sa Majesté Britannique et à leurs vaisseaux le port de Novo-Archangelsk, dans le cas où les propositions ci-dessus seroient acceptées.

[Inclosure 1.—Translation.]

Counter draft by Russian plenipotentiaries.

[Date as shown by Russian Archives, 12 (24) February, 1824.]

The proposals made by the Russian plenipotentiaries to Sir Charles Bagot, and which his excellency has been asked to take into careful consideration, aimed at having the fifty-fifth degree of north latitude accepted as the line of demarcation between the respective possessions on the northwest coast of America.

This same boundary has already been assigned to the Russian possessions by the charter which the late Emperor Paul I granted to the American Company.

As the parallel of the fifty-fifth degree cuts the southern extremity of Prince of Wales Island, leaving two points of land outside the line, the plenipotentiaries of Russia have proposed that these two points be comprised within the Russian limits, wishing thereby to avoid a division of territory, which would be equally inconvenient to the two interested parties.

To complete the line of demarcation and render it as distinct as possible, the plenipotentiaries of Russia have expressed the desire to make it follow Portland Channel up to the mountains which border the coast.

From this point the boundary would ascend along those mountains, parallel to the sinuosities of the coast, as far as the one hundred and thirty-ninth degree of longitude (meridian of London), the line of which degree, prolonged northward, would form the ulterior limit between the Russian and English possessions, to the north as well as to the east.

The principal motive which constrains Russia to insist upon sovereignty over the above-indicated lisière (strip of territory) upon the mainland (terre ferme) from Portland Channel to the point of intersection of 60° latitude with 139° longitude is that, deprived of this territory, the Russian-American Company would have no means of sustaining its establishments, which would therefore be without any support (point d'appui) and could have no solidity.

In return, Russia would make it a duty to open to the subjects of His Britannic Majesty the free navigation of all the rivers which empty into the ocean through the said lisière.

To give a final proof of her desire to anticipate the wishes of the English Government, she would also open to the trade of the subjects of His Britannic Majesty and to their vessels the port of Novo-Archangelsk in case the above proposals are accepted.

[Inclosure 2.]

Amended Proposal by Sir C. Bagot.

Comme il a été convenu de prendre pour base de négociation les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les

Plénipotentiaries Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'Ile du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139e degré, &c., ôteroit à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entre les latitudes 56° et 54° 45′ dont plusieurs (à ce qu'il y a tout lieu à croire) communiquent directement aux Établissemens de la Compagnie de Hudson's Bay, et seroient par conséquent d'une importance essentielle pour son commerce, tandis que de l'autre côté la Compagnie Russe-Américaine ne possède aucun Établissement sur la terre ferme entre les deux parallèles susmentionnées, ni même sur l'Ile du Prince de Galles, ni sur les îles qui sont situées entre celle-ci et la terre ferme.

En acceptant la proposition faite par Sir Charles Bagot dans sa première conférence avec les Plénipotentiaires Russes, il n'y auroit (à ce qu'il paroit) qu'un seul inconvénient pour la Russie, celui qui pourroit résulter du droit que réclameroient peut-être les États-Unis, en vertu de leur Convention avec la Grande-Bretagne de l'année 1818, de naviguer librement dans tous les parages entre l'Ile du Roi George et la terre ferme, et de gêner ainsi de quelque sorte le commerce des sujets de Sa Majesté impériale dans ces eaux.

Pour obvier à cet inconvénient et pour assurer à la Russie l'entière souveraineté de ces parages, ainsi que toutes les îles et les côtes où il y a effectivement des Établissemens Russes, la Grande-Bretagne proposeroit de prendre pour ligne de démarcation entre les territoires des deux Puissances une ligne tracée de l'ouest vers l'est, par le milieu du canal qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles jusqu'à ce qu'elle touche la terre ferme.

De là se prolongeant dans la même direction sur la terre ferme jusqu'a un point distant de la côte de 10 lieus marines, la ligne remonteroit de ce point vers le nord et le nord-ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de 10 lieues marines du rivage, jusqu'au 140e degré de longitude (de Greenwich) dont elle suivroit alors du prolongement jusqu'à la Mer Polaire.

[Inclosure 2.—Translation.]

Amended proposal by Sir C. Bagot.

Since it has been decided to take as a basis of negotiation the mutual advantage of the two countries, it should be noted, in answer to the proposal made by the Russian plenipotentiaries, that a line of demarcation drawn from the southern extremity of Prince of Wales Island to the mouth of Portland Channel, thence up the middle of this channel until it touches the mainland (terre ferme), thence to the mountains bordering the coast, and thence along the mountains as far as 139° longitude, would deprive His Britannic Majesty of sovereignty over all the inlets and small bays lying between latitudes 56° and 54° 45′, whereof several (as there is every reason to believe) communicate directly with the establishments of the Hudson's Bay Company and are, consequently, of essential importance to its commerce; while, on the other hand, the Russian-American Company possesses no establishments on the mainland (terre ferme) between the two above-mentioned parallels, or even on Prince of Wales Island, or on the islands located between the latter and the mainland.

In accepting the proposal made by Sir Charles Bagot in his first conference with the Russian plenipotentiaries, Russia would have had, it would seem, only one difficulty, that which might result from the right which might perhaps be claimed by the United States, by virtue of their convention of 1818 with Great Britain, to navigate freely in all the waters between King George's Island and the mainland (terre ferme), and thus, in a way, embarrass the trade of the subjects of His Imperial Majesty in these waters.

In order to obviate this difficulty, and to insure to Russia the exclusive sovereignty of these waters, as well as all the islands and coasts where there are really Russian establishments, Great Britain would offer to accept as the line of demarcation between the territories of the two powers a line traced from the west toward the east along the middle of the channel which separates Prince of Wales and Duke of York islands from all the islands situated to the north of the said islands until it touches the mainland (terre ferme).

Thence, extending in the same direction on the mainland to a point 10 marine leagues from the coast, the line would run from this point toward the north and northwest, parallel with the sinuosities of the coast, and always at a distance of 10 marine leagues from the shore, as far as the 140° of longitude (Greenwich), the prolongation of which it would then follow to the Polar Sea.

[Inclosure 3.]

Observations of Russian plenipotentiaries on Sir C. Bagot's amended proposal.

[Sent February 24 (March 7), 1824.]

Le motif qui a fait proposer l'adoption du principe des convenances mutuelles, et le premier avantage de ce principe, c'est d'empêcher que les Etablissemens respectifs sur la côte nord-ouest ne puissent se nuire les uns aux autres et entrer en collission.

Les Établissemens Anglois de la Compagnie de la Baie de Hudson et du Nord-Ouest tendent à se porter vers l'ouest par les 53e et 54e degré de latitude septentrionale.

Les Établissemens Russes de la Compagnie Américaine tendent à descendre au sud vers le 55e parallèle, et au delà, car il est à remarquer que si la Compagnie Américaine n'a point encore formé d'Établissmens fixes sur la ligne mathématique due 55e degré, il n'en est pas moins vrai qu'en vertu de son privilège de 1799, privilège contre lequel aucune Puissance n'a jamais réclamé, elle exploite la chasse et la pêche dans ces parages, et que régulièrement elle occupe les îles et les côtes avoisinantes dans la saison qui lui permet d'y envoyer ses chasseurs et ses pêcheurs.

Il étoit donc de la convenance mutuelle des deux Empires d'assingner de justes limites à des progrès réciproques qui ne pouvaient qu'occaisonner avec letemps les plus fâcheuses.

Il étoit aussi de leur convenance mutuelle de déterminer ces limites d'après les séparatons naturelles qui forment toujours les frontières les plus distinctes et les plus certaines.

C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud le Portland Channel, dont l'origine dans les terres est par le 56e degré de latitude nord, et à l'est la chaîne de montagnes qui suit à une très petite distance les sinuosités de la côte.

D'après les cartes les plus récentes et les meilleures publiées en Angleterre, les établissemens de la Compagnie de la Baie de Hudson ne se rapprochent des côtes que par le 53e et le 54e degré, et l'on ne sauroit prouver que sur aucun point ils arrivent jusqu'au grand océan.

Cependant, d'après le principe des convenances mutuelles, le projet d'arrangement des Plénipotentiaires de Russie laisse ouverts à l'extension successive des Colonies Anglaises:

1. Toute la partie de la côte située entre l'embouchure du Portland Channel et le 51e degré de latitude nord, envisagée comme limite des possessions russes dans l'oukase du 4 (16) septembre 1821.

2. Tout le territoire situé entre les etablissemens anglois au 54e parallèle et l'origine du Portland Channel, qui est au 56e parallèle.

3. Tout le territoire situé derrière la chaîne de montagnes dont il a été question ci-dessus, jusqu'au point d'intersection du 139e degré de longitude, méridien de Greenwich.

Les Plénipotentiaires de Sa Majesté Impériale, prévoyant même le cas où, sur la lisière de la côte qui appartiendroit à la Russie, il se trouveroit des fleuves au moyen desquels les Établissemens Anglois pourroient communiquer avec l'Océan, se sont empressés d'offrir, par une stipulation éventuelle, la libre navigation de ces fleuves.

Ils ont, en outre, annoncé à son Excellence Sir Charles Bagot que le port de Novo-Archangelsk sera ouvert au commerce des sujets de Sa Majesté le Roi de la Grande-Bretagne.

D'autre part, les Plénipotentiaires de Russie ont l'honneur de lui observer itérativement, que sans une lisière sur la côte du continent à partir du Portland Channel, les Établissemens Russes des îles du voisinage n'auroient aucun point d'appui; qu'ils seroient à la merci de ceux que des étrangers formeroient sur la terre ferme, et que tout arrangement semblable, loin d'être fondé sur le principe des convenances mutuelles, ne présenteroit que des dangers à l'une des Parties et des avantages exclusifs à l'autre.

On ne parlera point ici des deux pointes de l'Ile du Prince de Galles, qui sont situées au-dessous de la ligne du 55e degré de latitude nord. Ces deux pointes ne pourroient être d'aucune utilité à la Grande-Bretagne, et si les neuf-dixièmes de l'Ile du Prince de Galles appartiennent à la Russie, il est évidemment d'un intérêt réciproque que l'île lui appartenne tout entière.

Ce court exposé suffit pour justifier le projet que les Plénipotentiaires de Sa Majesté Impériale ont remis à Sir Charles Bagot, et sur la teneur duquel ils ne peuvent qu'insister.

Ils espèrent, au reste, que les intentions qui ont dicté ce projet seront appréciées tant par l'Ambassadeur de Sa Majesté Britannique que par son Gouvernement

[Inclosure 3.—Translation.]

Observations of Russian plenipotentiaries on Sir C. Bagot's amended proposal.

The motive which caused the adoption of the principle of mutual expediency to be proposed, and the most important advantage of this principle, is to prevent the respective establishments on the northwest coast from injuring each other and entering into collision.

The English establishments of the Hudson's Bay and Northwest companies have a tendency to advance westward along the 53° and 54° of north latitude.

The Russian establishments of the American Company have a tendency to descend southward toward the fifty-fifth parallel and beyond, for it should be noted that, if the American Company has not yet made permanent establishments on the mathematical line of the fifty-fifth degree, it is nevertheless true that, by virtue of its privilege of 1799, against which privilege no power has ever protested, it is exploiting the hunting and the fishing in these regions, and that it regularly occupies the islands and the neighboring coasts during the season which allows it to send its hunters and fishermen there.

It was, then, to the mutual advantage of the two Empires to assign just limits to this advance on both sides, which, in time, could not fail to cause most unfortunate complications.

It was also to their mutual advantage to fix these limits according to natural partitions, which always constitute the most distinct and certain frontiers.

For these reasons the plenipotentiaries of Russia have proposed as limits upon the coast of the continent, to the south, Portland Channel, the head of which lies about (par) the fifty-sixth degree of north latitude, and to the east the chain of mountains which follows at a very short distance the sinuosities of the coast.

According to the most recent and best maps published in England the establishments of the Hudson Bay Company approach the coast only along the fifty-third and fifty-fourth degrees, and it can not be proved that they reach the Great Ocean at any point.

Nevertheless, governed by the principle of mutual accommodation, the plan proposed by the plenipotentiaries of Russia leaves open to the future expansion of the English colonies—

1. All that part of the coast situated between the mouth of Portland Channel and the fifty-first degree of north latitude, which was regarded as the limit of the Russian possessions in the ukase of September 4 (16), 1821.

2. All the territory situated between the English establishments on the fifty-fourth parallel and the head of Portland Channel, which is at the fifty-sixth parallel.

3. All the territory situated behind the chain of mountains, in regard to which there has been dispute hitherto, to the point of intersection of the one hundred and thirty-ninth degree of longitude, meridian of Greenwich.

The plenipotentiaries of His Imperial Majesty, foreseeing even the case of there being found on the lisière of the coast which should belong to Russia rivers by means whereof the English establishments might be able to communicate with the ocean, have hastened to offer, by a contingent stipulation, the free navigation of such rivers.

They have further informed His Excellency Sir Charles Bagot that the port of Novo-Archangelsk will be opened to the trade of the subjects of His Majesty the King of Great Britain.

On the other hand, the plenipotentiaries of Russia have the honor to repeat to him that without a lisière upon the continental coast, starting from Portland Channel, the Russian establishments on the islands in the vicinity would have no support (point d'appui); that they would be at the mercy of the establishments which strangers might form upon the mainland, and that any such arrangement, far from being founded upon the principle of mutual accommodations, would but offer dangers for one of the parties and exclusive advantages for the other.

No reference will be made here to the two points of Prince of Wales Island, situated below the line of 55° north latitude. These two points can be of no service to Great Britain, and if nine-tenths of Prince of Wales Island belongs to Russia, it is clearly to the interest of both parties that the entire island should belong to her.

This brief statement will suffice to vindicate the draft which the plenipotentiaries of His Imperial Majesty sent to Sir Charles Bagot, and upon the tenor of which they are compelled to insist.

They further hope that the sentiments which originated this draft will be appreciated both by the ambassador of His Britannic Majesty and by his Government.

[Inclosure 4.]

Reply by Sir C. Bagot to Observations of Russian Plenipotentiaries.

La découverte ou la simple occupation de quelques îles situées sur la côte d'un continent ne peut donner aucun droit à la souveraineté de la terre ferme voisine, principe qui n'est pas moins fondé sur l'opinion reconnue des juristes les plus célèbres, que sur l'usage universellement observé entre les nations.

D'après ce principe, Sir Charles Bagot a constamment soutenu dans les Conférences qu'il a eu l'honneur d'avoir avec les Plénipotentiares de Russie, que Sa Majesté Britannique ne sauroit admettre que les droits de la Russie sur la côte nordouest du Continent d'Amérique puissent s'étendre vers le midi sur ce continent au delà du point où la Russie aura actuellement formé des Établissemens.

Il n'a jamais été affirmé par les Plénipotentiaires de Sa Mejesté Impériale que la Russie possède des Établissemens quelconques sur la terre ferme au sud du 60e ou 59e degré de latitude nord, mais ils ont déclare que, privée d'une lisiére sur la terre ferme, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir ses Établissemens sur les îles, qui serioent dès lors sans point d'appui et ne pourrioent avoir aucune solidité.

Tout argument fondé sur la considération de la convenance pratique de la Russie ne pouvoit être que du plus grand poids, et la Plénipotentiaire de Sa Majesté Britannique n'hésita pas d'abandonner, en conséquence de cette observation des Plénipotentiaires de Russie, la ligne de démarcation qu'il avoit d'abord proposée, savoir celle qui devoit passer par le milieu de Chatham Straits jusqu'à l'extrémité septentrionale de Lynn Canal et de là à Mont Elias, ou à l'intersection du 140e degré de longitude, et d'en proposer une autre qui assureroit à la Russie non seulement une lisière sur le continent, vis-à-vis de l'Établissemente le plus méridional qu'elle possède sur les îles, mais qui lui assureroit aussi la possession de toutes les îles et les eaux qui l'avoisinent, ou qui se trouvent placées entre cet Établissemente et la terre ferme, la possession enfin de tout ce qui pourroit devenir, par la suite, de quelque utileté, ou pour sa solidité ou pour sa prospérité.

Mais le Plénipotentiaire de Sa Majesté Britannique ne peut as admettre que la Russie accorderoit ou assureroit à Sa Majesté Britannique un nouvel avantage par sa renonciation á la partie de la côte située entre l'embouchure du Portland Canal et le degré de latitude envisagé comme limite des possessions Russes dans l'Oukase de 1821, ni même par sa renonciation à toute partie du continent au midi des Établissemens qui y ont été déjà formées; car, quand même Sa Majesté Britannique eût jamais reconnu ce degré de latitude comme formant la ligne de démarcation en autant qu'il regarde les îles, el ne pourroit, d'après le principe énoncé plus haut, l'avoir reconnu comme limite sur le continent voisin, sur lequel la Compagnie de la Baie de Hudson avoit déjà établi plusieurs de se ses postes les plus importants.

Cette Compagnie à en effet des Établissemens même près de la côte, au nord du 55e degré; Sa Majesté Britannique ne pourroit donc sans sacrifier les intérêts de la Compagnie renoncer à ses droits à la souveraineté de la côte, et des iles qui en dépendent immédiatement, jusqu'à la hauteur de 56° 30′ de latitude nord, quel que soit le degré de latitude que l'on pourra définitivement convenir de prendre pour limite entre les deux Puissances, en autant qu'il concerne les îles situées plus à l'ouest.

L'origine du Portland Canal puet être, comme il y a lieu de croire, l'embouchure de quelque fleuve qui coule par le milieu du pays occupé par la Compagnie de la Baie de Hudson, et il est par conséquent d'une importance majeure à la Grande-Bretagne d'en posséder la souveraineté des deux rives.

Ce fut dans l'espoir de pouvoir concilier ces objets indispensables avec ceux du Gouvernement Impérial, et déterminer sans plus de délai une question, qu'il paraissoit être également de l'intérêt des deux parties d'arranger définitivement au moment actuel, que le Plénipotentiaire de Sa Majesté Britannique eût l'honneur de proposer dans sa dernière Conférence avec les Plénipotentiaires de Russie, une ligne de démarcation, qui tout en conservant à la Russie pour limite méridionale sur les îles le degré de latitude désigné par l'Oukase de 1799, assigneroit en même tems à la Grande-Bretagne pour limite sur la côte de la terre ferme la latitude de 56° 30′ nord.

Il semble qu'une ligne tracée de l'extrémité méridionale du détroit nommé "Duke of Clarence's Sound" par le milien de ce détroit, jusqu'au milieu du détroit qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles, de là, vers l'est par le milieu du même détroit jusqu'à la terre ferme, et se prolongeant ensuite dans la direction, et de la manière déjà proposées par le Plénipotentiaire de Sa Majesté Britannique jusqu'à Mont Elias, ou à l'intersection du 140e dégré de longitude, formeroit une ligne de démarcation qui concilieroit les convenances mutuelles des deux Parties, et qui assureroit peut-être d'une manière satisfaisante les intérêts réciproques tant actuels que futurs des deux Empires dans cette partie du globe.

[Inclosure 4.—Translation.]

Reply by Sir C. Bagot to observations of Russian plenipotentiaries.

The discovery or the mere occupation of a few islands situated on the coast of a continent can give no right to sovereignty over the neighboring mainland, a principle founded, not only on the accepted opinions of the best known jurists, but on the usage universally observed among nations.

According to this principle, Sir Charles Bagot has steadily insisted, in the conferences which he has had the honor to have with the Russian plenipotentiaries, that His Britannic Majesty can not admit that the Russian rights on the northwest coast of the American continent can extend southward on this continent beyond the point where Russia has actually formed establishments.

It has never been affirmed by the plenipotentiaries of His Imperial Majesty that Russia possesses any establishments whatever on the mainland (terre ferme) south of the sixtieth or fifty-ninth degree of north latitude, but they have stated that, if deprived of a strip (lisière) on the mainland, the Russian-American Company would have no means of maintaining its establishments on the islands, which would then be without a support (point d'appui), and could have no substantial footing.

Any argument founded on the consideration of the practical advantage of Russia could not fail to have the greatest weight, and the plenipotentiary of His Britannic Majesty did not hesitate to give up, in consequence of this observation of the Russian plenipotentiaries, the line of demarcation which he had first proposed, to wit, one passing along the middle of Chatham Straits as far as the northern extremity of Lynn Channel, and thence to Mount Elias, or to the intersection of the one hundred and fortieth degree of longitude; and to offer another which would secure to Russia, not only a strip on the continent, opposite the southernmost establishment which she possesses on the islands, but also the possession of all the islands and waters in its vicinity or which are situated between that establishment and the mainland (terre ferme); in short, possession of all that could in future be of any service, either to its stability or its prosperity.

But the plenipotentiary of His Britannic Majesty can not admit that Russia would grant or secure to His Britannic Majesty a new advantage by her renunciation of that part of the coast located between the mouth of Portland Channel and the degree of latitude regarded as the boundary of the Russian possessions in the ukase of 1821, or even by her renunciation of all parts of the continent south of the establishments which have already been formed there; for, even if His Britannic Majesty had ever recognized that degree of latitude as constituting the line of demarcation so far as the islands are concerned, he could not, according to the principle above stated, have recognized it as the boundary on the neighboring continent, on which the Hudson Bay Company had already established several of its most important posts.

This company has in fact establishments even nearer the coast north of the fifty-fifth degree; His Britannic Majesty can not, therefore, without sacrificing the interests of the company, renounce his rights of sovereignty over the coast and the islands directly dependent thereon, as far as 56° 30′ of north latitude, whatever degree of latitude it may be finally decided to accept as the boundary between the two powers in so far as relates to the islands located farther west.

The head of Portland Channel may be, as there is reason to believe, the mouth of some river flowing through the midst of the country occupied by the Hudson Bay Company, and it is, consequently, of great importance to Great Britain to possess the sovereignty of the two shores thereof.

It was in the hope of being able to reconcile these indispensable objects with those of the Imperial Government, and to decide without further delay a question which it appeared to be equally to the interest of both parties to settle definitely at the present time, that the plenipotentiary of His Britannic Majesty had the honor of proposing, in his last conference with the plenipotentiaries of Russia, a line of demarcation which, while preserving to Russia the degree of latitude designated in the ukase of 1799 as her southern boundary in the islands, would assign at the same time to Great Britain as her boundary on the coast of the mainland (terre ferme) the latitude of 56° 30′ north.

It seems that a line drawn from the southern extremity of the strait called "Duke of Clarence's Sound," through the middle of this strait to the middle of the strait which separates Prince of Wales and Duke of York islands from all the islands lying north of those islands, thence toward the east through the middle of the same strait to the mainland, to be prolonged afterwards in the direction and manner already proposed by his Britannic Majesty's plenipotentiary as far as Mount Elias or to the intersection of the 140th degree of longitude, would form a line of demarcation which

would conciliate the mutual convenience of the two parties, and which would perhaps satisfactorily assure the reciprocal interests, both present and future, of the two empires in that part of the globe.

[Inclosure 5.]

Final decision of Russian plenipotentiaries.

Les Plénipotentiaires de Russie ont porté à la connoissance de l'Empereur, leur Maître, les dernières propositions qui leur ont été faites par Sir Charles Bagot, relativement à la ligne de démarcation qui sépareroit les possessions Russes des possessions Angloises sur la côte nord-ouest du Continent de l'Amerique.

Attentivement examinées par Sa Majesté Impériale, ces propositions ne lui ont point paru de nature à pouvoir être acceptées.

L'Empereur charge ses Plénipotentiaires de déclarer itérativement à M. l'Ambassadeur d'Angleterre:

Que la possession de l'Ile du Prince de Galles, sans une portion de territoire sur la côte située vis-à-vis de cette ile, ne pourroit être d'aucune utilité à la Russie.

Que tout Etablissement formé sur la dite ile, ou sur celles qui l'environment, se trouverait en quelque sorte tourné par les Etablissemens Anglois de la terre ferme, et complettement à la merci de ces derniers.

Qu'en consequence un arrangement semblable ne serait nullement conforme au principe des covenances mutuelles.

Qu'au reste, d'après le témoignage des Cartes les plus récentes publiées en Angleterre, il n'existe aucun Etablissement Anglais ni sur la côte même du continent ni au nord du 54° de latitude septentrionale.

Qu'ainsi, quand les limites fixées aux possessions Russes par la Charte de 1799, n'auraient point en leur faveur depuis vingt-cinq ans le consentement tacite de toutes les Puissances, encore la Russie exerceroit-elle sur cette partie de la côte précisément les mêmes droits que la Grande-Bretagne, d'où il résulte que la question devrait toujours être résolue, non d'après les intérêts exclusifs d'un des deux Empires, mais de manière à concilier leurs intérêts réciproques.

Qu'enfin, quant à la navigation des fleuves, la Russie croyait avoir offert à la Grande-Bretagne tous les avantages et toutes concessions que celle-ci peut désirer.

Et que dans cet etat de choses les Plénipotentiaires de Sa Majesté Impériale avoient ordre d'insister sur leurs propositions antérieures, propositions dont ils ont amplement développé les motifs à son Excellence M. le Chevalier Bagot.

L'Empereur espère que ces motifs seront appréciés par le Gouvernement de Sa Majesté Britannique, et que M. l'Ambassadeur d'Angleterre les fera valoir avec ce désir de rapprocher les opinions respectives qu'il a manifesté dans tout le cours de cette négociation.

Sa Majesté Impériale est au regret de ne pas la voir terminée dès à présent; mais elle se flatte que les résolutions définitives du Cabinet de Londres empêcheront sans doute ces pourparlers de demeurer stériles.

ST. PÉTERSBOURG, *le 17 (29) Mars, 1824.*

[Inclosure 5.—Translation.]

Final decision of Russian plenipotentiaries.

The plenipotentiaries of Russia have brought to the knowledge of the Emperor, their master, the last proposals which were made to them by Sir Charles Bagot in regard to the line of demarcation which should separate the Russian possessions from the English possessions on the northwest coast of the American continent.

After being carefully examined by His Imperial Majesty, these proposals do not seem to him to be of such a nature that they can be accepted.

The Emperor charges his plenipotentiaries to repeat to the ambassador of England—

That the possession of Prince of Wales Island without a slice (portion) of territory upon the coast situated in front of that island could be of no utility whatever to Russia.

That any establishment formed upon said island or upon the surrounding islands would find itself, as it were, flanked by the English establishments on the mainland and completely at the mercy of these latter.

That, in consequence, such an arrangement could not in any wise conform to the principle of mutual accommodation.

That besides, according to the testimony of the most recent maps published in England, no English establishment exists either on the coast of the continent itself or north of the 54th degree of north latitude.

That thus, even if the boundaries fixed for the Russian possessions by the charter of 1799 had not in their favor the tacit consent of all the powers for the past twenty-five years, Russia would yet exercise, on this part of the coast, precisely the same rights as Great Britain, from which it results that the question would always have to be decided, not according to the exclusive interests of one of the two empires, but in such a way as to reconcile their mutual interests.

That finally, as to the navigation of the rivers, Russia believed that she had offered to Great Britain all the advantages and concessions that the latter could desire.

And that, in view of this state of things, the plenipotentiaries of His Imperial Majesty had received orders to insist upon their previous proposals, the reasons for which proposals they had fully explained to His Excellency Sir Bagot.

The Emperor hopes that these reasons will be appreciated by the Government of His Britannic Majesty, and that the ambassador of England will give them their proper weight, with that desire to reconcile the respective opinions which he has displayed throughout the course of these negotiations.

His Imperial Majesty regrets not to see them terminated at the present time, but he is pleased to believe that the final decisions of the London cabinet will prevent these discussions from being barren of result.

St. Petersburg, *March 17 (29), 1824.*

[Inclosure 6.]

Memorandum.

La Compagnie Russe-Américaine a été munie à différentes époques de la part des Missions étrangères accréditées près la Cour Impériale de Russie de certificats destinés à assurer appui et protection aux navires que la dite Société dirige vers les contrées soumises à la domination des Puissances amies.

Sachant apprécier tous les avantages d'une assistance aussi efficace, la Compagnie vient de s'adresser au Ministère Impérial dans le but d'obtenir par son intervention une lettre de protection d'usage pour le vaisseau "Hélène," commandé par le Lieutenant de la Marine Tchistiakoff.

Ce bâtiment, dont la destination est de porter des provisions aux Colonies de la Compagnie, s'occupera en même tems de recherches scientifiques dans les parages vers lesquels il dirige sa course.

En conséquence, le Soussigné a l'honneur de prier son Excellence M. le Chevalier de Bagot, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, de vouloir bien lui transmettre, à l'usage du Lieutenant Tchistiakoff, un certificat lequel, en spécifiant le but de l'expédition, réclamerait en faveur du commandant et de l'équipage un accueil hospitalier, et s'ils se trouvaient dans le cas d'y avoir recours, une assistance efficace de la parte des autorités Britanniques.

Le Soussigné se plairait à reconnaître dans un accueil favorable à la demande qu'il vient d'exprimer au nom de la Compagnie Russe-Américaine une nouvelle preuve des relations amicales qui existent entre les deux Cours, et il saisit, &c.

Nesselrode.

St. Pétersbourg, *le 12 Mars, 1824.*

[Inclosure 6.—Translation.]

Memorandum.

The Russian-American Company has been furnished at different times by the foreign missions accredited to the Imperial court of Russia with certificates designed to secure assistance and protection to the ships which the said society sends to countries subject to the rule of friendly powers.

Knowing how to appreciate the advantages of such efficient aid, the company has just applied to the Imperial Government, with the object of obtaining, through its intervention, the usual letter of protection for the vessel *Hélène*, commanded by Marine Lieutenant Tchistiakoff.

This vessel, the destination of which is the carrying of provisions to the colonies of the company, will be occupied at the same time in scientific researches in the regions toward which she directs her course.

In consequence, the undersigned has the honor to beg His Excellency Sir Bagot, ambassador extraordinary and plenipotentiary of His Britannic Majesty, to have the kindness to transmit, for the use of Lieutenant Tchistiakoff, a certificate which, specifying the object of the expedition, should request, in favor of the commander and crew, a hospitable reception, and, if they should find themselves in a position to need it, effective assistance on the part of the British authorities.

The undersigned would be pleased to recognize, in the favorable response to the request which he has just made in behalf of the Russian-American Company, a new proof of the friendly relations existing between the two courts, and he takes, etc.

NESSELRODE.

ST. PETERSBURG, *March 12, 1824.*

Count Nesselrode to Nikolas Semenovitch Mordvinof.

[Translation.]

[Written from St. Petersburg April 11, 1824.]

My Gracious Sir, NICHOLAS SEMENOVITCH: I had the felicity of submitting to the notice of his Imperial Majesty the despatch of your high Excellency of the 20th February of the present year, in which you express your opinion respecting the rights of the Russian-American Company to the possession of some parts of the north-western coast of America, and respecting the conditions for terminating the dispute which has arisen respecting the extent of these possessions.

His Majesty having favourably received the same, deemed your reasons worthy of his Imperial attention, which, as is known to your high Excellency, carefully directed to everything that concerns the preservation of the legal interests of Russian subjects, and those especially which, by enterprise and labour, conduce to the extension of national industry, and consequently to the increase of general prosperity in the Empire. The Emperor recollects with pleasure everything that has been done by our bold mariners in the discovery of islands and coasts of America. Their efforts and successes, even their losses and dangers when settling in places hitherto unknown, and where they first extracted the riches of Nature for the benefit of all civilized mankind, have undoubtedly given us the right of obtaining advantages commensurate with them, and the Ministry of His Majesty will, neither during the present negotiations, nor yet at any other time, lose sight of them.

But while endeavouring to protect interests laboriously established, and even secure new advantages by all allowable means, it must not be forgotten that there may exist other most important necessities and interests of State which impose very grave duties on the Government. To you, Sir, as a man acquainted with every branch of the science of government, I consider it superfluous to explain that the greater or smaller utility of desirable acquisitions cannot serve as a guide in political negotiations. What the Ministry of His Imperial Majesty will tenaciously follow is the principle of *right*, and there where it cannot with accuracy be recognized or defended without inordinate sacrifices in its entirety, it is necessary to take into consideration not only the degree of mutual demands, but also the degree of possibility of attaining the objects of the same without any dangerous strain of strength.

Without this it is impossible to expect success in negotiations, and these rules have served as guides for the Plenipotentiaries appointed by His Imperial Majesty for negotiating respecting the affairs of the Russian-American Company. By rights of first discovery, and by that which is still more real, the first establishment of habitations and human activity, our Cabinet demands possession both of the islands and the western coast of America from the furthest north to the 55th degree of latitude; but Great Britain, on her part, represents the rights of the Hudson's Bay Company, whose trading posts or refuges, penetrating further and further into the interior of the lands, have nearly reached the north-western coast, on about the same parallel. The bases of these mutual pretensions are similar in character; at the same time it must be foreseen that out of the misunderstandings now arising disagreeable consequences may in time ensue, and prudence demands that the interests of both parties should be quickly reconciled.

For this only one expedient presents itself: to establish at some distance from the coast a frontier-line which shall not be infringed by our establishments and trappers, as also by the hunters of the Hudson's Bay Company. The Plenipotentiaries on both sides equally recognized the necessity of this measure; but the width of the coast-line necessary for the safe existence and consolidation of our Colonies, the direction of the frontier, and even its starting point on the Continent of America, still form subjects of negotiation, and the British Ambassador has declared that for continuing them he must seek new instructions from his Court. I shall not repeat that in these negotiations with England we took, and will continue to take, into equal consideration on the one side the requirements and interests of the establishments of the Russian-American Company, and, on the other, the degree of its rights of possession in the interior of the Continent of America, and the measure of the methods for firmly securing to the Company the possession of these territories.

As I have said above, for the peaceful existence of our Colonies more than all is it necessary to determine with accuracy the frontier, the extent of the country between the coast, and this frontier must be sufficient and be in correspondence with the condition to what these establishments will, in all probability, in time attain, and by their means of own defence. Here, gracious Sir, you will allow me to observe that to extend our pretensions to the interior of the Continent of America to the middle of the Rocky Mountains, we have neither the right nor the possibility; such pretensions may merely be the cause not only of disputes, but also of other most disagreeable events; and, as it would appear to me, there is no visible advantage in this fictitious extension of our confines.

Independent of the circumstance that the land in those places is almost sterile, affords no corn-fields, which, in the opinion of your high Excellency, are necessary for a Colony, is hardly able to produce good food-products, and that the principal pursuit of our settlers consists in the capture of marine and not land animals, it is necessary to bear in mind that in accordance with contemplated plans these Settlements, after the line of frontier has been fixed, will acquire recognized and undisputed possession of a considerably extensive zone of country, and, moreover, that when there are no disputes respecting boundaries the neighbourhood of civilized people, far from being harmful, is

advantageous to a Colony, as, in case of necessity, new means of obtaining food supplies are established.

How can it be supposed that, owing solely to such propinquity, we shall be obliged, abandoning the islands and coast occupied by us, to retire to the 60th degree? Such were the Emperor's own comments on the perusal of your high Excellency's despatch; one place in particular attracted the attention of His Majesty: it was that in which you, gracious Sir, asserted that, in consequence of the demands of England, Russia will be obliged to surrender to the former many natives of America who have been converted by us to Christianity. To lose subjects who have voluntarily subjected themselves to his sceptre, and are sons of the Russian Church, would, of course, always be regretted by our noble-minded Monarch; but, according to all the information I have gathered, it appears that neither along the coast, below 55 degrees, nor yet in the interior of the country at a great distance from the sea, are there any Settlements of the Company, nor any natives professing the Russo-Greek faith; at the same time our apprehended retirement to the north is, I venture to opine, not very probable.

Having thus denoted (as far as the secrecy necessary in diplomatic negotiations permitted) the present position of our negotiations with England, I hasten to inform your high Excellency and the whole Board of Management of the Company that the other negotiation concerning its affairs with the North American Republic has been brought to a conclusion, and with the success desired. The Convention concluded on the 5th April, 1824, and herein inclosed in copy for your information, contains the ratified conditions mutually consented to, and these are, in my opinion, reciprocally and completely satisfactory. In Article III the United States recognize the sovereign power of Russia over the western coast of America, from the Polar Seas to 54° 40′ of north latitude; while we, on our part, promise not to found Settlements below this parallel, as a matter of course only in those places and without extending this provision to the Colony of Ross, far distant to the south.

By Article II the States bind themselves not to allow their citizens and subjects to land at Russian Colonies without the distinct permission of the local authorities. Article I provides that Americans will not sell to the wild natives of the region belonging to us either strong liquors, so baneful to those ignorant people, or, which is of still greater importance, weapons of any kind. In this manner, after fifteen years of long-protracted and fruitless endeavours, having now happily attained the object of a difficult negotiation, we have for ever removed the chief cause of those disorders, quarrels, and bloodshed which have hitherto prevailed in that region, I would go further, and say that by this, perhaps, the first solid foundation has been laid to the peaceful existence of our Colonies.

In Article IV we allow the American States, though for no longer than ten years, to trade and fish in places within our dominions; to this proviso, so advantageous to them, our Cabinet was obliged to consent on two considerations of equal cogency. Firstly, because the Government of the North American Republic—not without foundation—demanded remuneration for the very considerable advantage afforded us under other stipulations of the Convention, especially by the conditions of Article V. Secondly, because the Americans have already for many years past carried on this trade and fishing, which

the Company to the present time cannot find means to oppose; and, of course, it is more reprehensible for the Company to allow them to benefit by these pursuits as they have hitherto done by, as it were, a natural and an indefeasible right, than that they should carry them on by permission granted them by us in a solemn Convention, as through this the Americans as solemnly recognize that after the expiration of the few prescribed years we shall have the legal right to prohibit both trade and fishing in this region.

His Majesty the Emperor deigned to approve all the stipulations of the Convention, in which, so far as possible, are reconciled the demands and interests of both Contracting Parties. Having carefully examined this instrument, we have almost come to the conclusion that by means of it our Colonies are the greater gainers. It is in a certain sense the commencement of their political existence and safety, inasmuch as now, for the first time, are determined their relations to foreign States. The importance of this is evident, and the members of the Russian-American Company will undoubtedly appreciate in the fullest measure this new great benefaction of their august Patron, who so indefatigably labours for their good by protecting the rights of his beloved Russian subjects not only with all the might of our Empire, but by, perhaps, for him more precious power, that of respect and confidence which the undeviating course of his policy serves to instil into all Governments and nations of the civilized world.

I have the honour to be, with perfect respect and similar devotion, your high Excellencys obedient servant,

The original is signed by—

Count NESSELRODE.

APRIL 11, 1824.

Count Nesselrode to Count Lieven.

SAINT-PÉTERSBOURG, *le 5/17 Avril, 1824.*

M. LE COMTE: Par mes dépêches du 17 de ce mois, j'ai fait connoître à votre Excellence les résultats peu satisfesans de nos négociations avec Sir Charles Bagot, relatives aux frontières qui doivent séparer les possessions Russes des possessions Angloises par la côte nord ouest de l'Amérique.

Aujourd'hui, M. le Comte, je vous développerai les motifs qui ne nous ont pas permis d'accepter les propositions de l'Ambassadeur d'Angleterre.

Pour ne pas entrer sans nécessité dans de trop longs détails, je me bornerai à discuter ici le point de la question sur lequel nous n'avons pû tomber d'accord.

L'oukase du 4 (16) septembre 1821 avoit porté jusqu'au 51° de latitude septentrionale les limites des domaines de la Russie sur la côte nord-ouest du continent américain. Cependant l'Empereur s'étant convaincu que presqu'à la même époque la Compagnie Angloise de la Baie d'Hudson avoit formé des établissemens par les 53° et 54° de latitude septentrionale, et que ces établissemens n'étoient même plus très éloignés de la côte, nous autorisa à donner, dès l'ouverture des négociations, une preuve de ses intentions conciliantes, en déclaant à Sirr Charles Bagot que nous nous tiendrions aux limites assignées à nos

possessions américaines par la charte de l'Empereur Paul, qu'en conséquence la ligne du 55e degré de latitude septentrionale constitueroit au midi la frontière des États de Sa Majesté Impériale, que sur le continent et vers l'est, cette frontière pourroit courir le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont Élie, et que de ce point jusqu'à la Mer Glaciale nous fixerions les bornes des possessions respectives d'après la ligne du 140e degré de longitude ouest méridien de Greenwich.

Afin de ne pas couper l'Ile du Prince de Galles, qui selon cet arrangement devoit rester à la Russie, nous proposions de porter la frontière méridionale de nos domaines au 54° 40′ de latitude et de la faire aboutir sur le Continent au Portland Canal, dont l'embouchure dans l'Océan est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude.

Cette proposition ne nous assuroit qu'une étroite lisière sur la côte même, et elle laissoit aux Établissemens Anglois tout l'espace nécessaire pour se multiplier et s'étendre.

Vous verrez, M. le Comte, par les pièces ci-jointes, qu'en outre nous annoncions l'ouverture du port de Novo-Archangelsk et que nous promettions la libre navagation des fleuves qui se trouveroient sur notre territoire.

Après quelques discussions, les dernières contre-propositions de Sir Charles Bagot furent de comprendre toute l'Ile du Prince de Galles dans les possessions de la Russie, mais de stipuler que notre frontière suivroit de cette île la passe dite Duke of Clarence's Sound, et qu'elle n'aboutiroit à la côte qu'au-dessus du 56° de latitude septentrionale.

[Cette différence, si on la considère sur la Carte, paroit insignifiante au premier coup d'œil; elle est néanmoins si essentielle pour nous, qu'il nous est absolument impossible d'adhérer au plan de démarcation tracé par le Plénipotentiaire de Sa Majesté Britannique.]

Nous lui avons exposé, dans notre réponse à sa seconde notre verbale et dans notre réplique du 18 Mars, des considérations que nous ne pouvons perdre de vue et qui nous semblent décisives. L'Empereur vous charge, M. le Comte, d'inviter le Cabinet de St. James à les peser avec la plus mûre attention, et Sa Majesté se flatte qu'à la suite d'an examen impartial il s'empressera lui-même de reconnoître combien nos raisons sont graves et légitimes.

En premier lieu, aucun État n'a réclamé contre la Charte de l'Empereur Paul, et ce silence universel peut et doit être envisagé comme une reconnaissance de nos droits.

On nous objecte que nous n'avons pas formé d'Établissement stables sur la côte nord-ouest au dessous du 57° de latitude. Cela est vrai, mais dans la saison de la chasse et de la pêche la côte et les eaux avoisinantes sont exploitées par notre Compagnie Américaine bien au delà du 55° et du 54° parallèle. Ce genre d'occupation est le seul dont ces parages soient susceptibles, ou du moins le seul qui soit nécessaire lorsqu'un peu plus au nord on a fondé et organisé des Colonies. Nous sommes donc pleinement en droit d'insister sur la continuation d'un bénéfice que notre commerce s'est assuré dès l'année 1799, tandis que les Compagnies Angloises de la Baie d'Hudson et du Nord-Ouest ont à peine atteint depuis trois ans le voisinage de ces latitudes, tandis qu'elles n'occupent encore aucun point qui touche à l'océan, et qu'il est notoire que c'est pour l'avenir seulement qu'elles cherchent à s'y ménager les profits de la chasse et de la pêche. Ainsi nous voulons

conserver, et les Compagnies Angloises veulent *acquérir*. Cette seule circonstance suffit pour justifier nos propositions. Elles ne sont pas moins conformes au principe des convenances mutuelles, qui devoit servir de base à la négociation.

Si l'Ile du Prince de Galles nous demeure, il faut qu'elle puisse nous être de quelque utilité. Or, d'après le plan de l'Ambassadeur d'Angleterre, elle ne seroit pour nous qu'une charge et presque un inconvénient. Cette île, en effet, et les établissemens que nous y formerions se trouveroient entièrement isolés, privés de tout soutien, enveloppés par les domaines de la Grande-Bretagne et à la merci des Établissemens Anglois de la côte. Nous nous épuiserions en frais de garde et de surveillance dont aucune compensation n'allégeroit le fardeau. Un arrangement pareil reposeroit-il sur le principe des convenances mutuelles?

Nous invoquons toutefois ce principe avec d'autant plus de justice que l'Angleterre elle-même a prouvé par un acte authentique qu'elle regardoit comme douteux ses droits sur le territoire dont elle demande l'abandon. La Convention passée le 20 Octobre, 1818, entre la Cour de Londres et les États-Unis, déclare propriété commune des deux Puissances pour dix ans toute l'étendue de pays comprise entre les Rocky Mountains, l'Océan Pacifique, et les possessions Russes. Les titres des États-Unis à la souveraineté de ce pays sont donc aussi valables que ceux de l'Angleterre. Cependant, le Cabinet de Washington a reconnu que nos limites devoient descendre jusqu'au 54° 40′. Il la reconnu par une transaction formelle que nous venons de parapher avec son Plénipotentiaire, et cette reconnoissance n'a point pour conséquence unique de fortifier nos argumens, elle nous procure d'autres résultats auxquels nous attachions, avec raison, le plus haut intérêt.

Tranquilles de ce côte, nous n'avons maintenant aucune crainte à nourrir, et le Cabinet de Londres conviendra sans doute qu'un tel état de choses augmente le prix des sacrifices que nous lui offrons. Déjà il existe une différence de près de quatre degrés entre la démarcation de l'oukase du 4 (16) septembre 1821 et celle que nous indiquons au jourd'hui. Les établissemens des compagnies angloises peuvent occuper cet intervalle. À l'est ils peuvent unir les deux côtes de l'Amérique; au midi rien n'empêche qu'ils n'acquièrent une extension considérable. Pour nous, nous bornons nos demandes à celle d'une simple lisière du continent, et afin de lever toute objection, nous garantissons la libre navigation des fleuves, nous annonçons l'ouverture du port de Novo-Archangelsk.

La Russie ne sauroit pousser plus loin ses concessions. Elle n'en fera pas d'autres, et elle est autorisée à en attendre de la part de l'Angleterre; mais encore une fois, elle ne réclame que des concessions négatives. On ne peut effectivement assez le répéter, d'après le témoignage des cartes les plus récentes, l'Angleterre ne possède aucun établissement, ni à la hauter du Portland Canal, ni au bord même de l'océan, et la Russie, quand elle insiste sur la conservation d'un médiocre espace de terre ferme, n'insiste au fond que sur le moyen de faire valoir, nous dirons plus, de ne pas perdre les îles environnantes. C'est la position dont nous parlions tout à l'heure; nous ne recherchons aucun avantage, nous voulons éviter de gravés inconvéniens.

En résumé, M. le Comte, si l'on consulte le droit dans cette négociation, la Russie a celui qu'assurent. d'une part, un consentement tacite, mais incontestable, de l'autre, une exploitation paisible depuis vingt-

cinq ans et qui peut être considérée comme équivalente à una occupation continue.

Si l'on invoque le principe des convenances mutuelles, la Russie laisse au développement progressif des établissemens anglois una vaste étendue de côte et de territoire; elle leur assure de libres débouchés; elle pourvoit aux intérêts de leur commerce, et pour compenser tant d'offres dictées par le plus sincère esprit de conciliation, elle se réserve uniquement un point d'appui sans lequel il lui seroit impossible de garder une moitié de ses domaines.

De telles vues n'ont besoin que d'être présentées dans leur vrai jour pour qu'un gouvernement comme celui de la Grande-Bretagne sache les apprécier. Douter de son adhésion dans cette circonstance, ce seroit douter de sa justice; et il vous sera facile, l'Empereur se plaît à le croire, d'obtenir le consentement définitif de l'Angleterre à une transaction qui rempliroit nos vœux et nos espérances, en prévenant toute discussion ultérieure.

Recevez, etc., NESSELRODE.

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURG, *April 5/17, 1824.*

MY LORD: By my dispatches of the 17th of this month [a] I have made known to your excellency the unsatisfactory results of our negotiations with Sir Charles Bagot in regard to the boundary lines which are to separate the Russian possessions from the English possessions along the northwest coast of America.

To-day, my lord, I will explain to you the motives which have prevented us from accepting the proposals of the English ambassador.

Not to enter further than is necessary into too long details, I will limit myself to discussing here that point of the question on which we were not able to agree.

The ukase of 4 (16) of September, 1821, carried the domains of Russia on the northwest coast of the American continent down to the fifty-first degree of north latitude. Nevertheless, the Emperor, being convinced that at almost the same epoch the English Hudson's Bay Company had formed establishments about 53° and 54° north latitude, and that these establishments were not very far removed from the coast, has authorized us to give at the outset of the negotiations a proof of his conciliatory intentions in declaring to Sir Charles Bagot that we would confine ourselves within the limits assigned to our American possessions by the charter of the Emperor Paul; that in consequence the line of the fifty-fifth degree of north latitude would constitute on the south the frontier of the States of His Imperial Majesty; that upon the continent and toward the east, this frontier could run along the mountains which follow the sinuosities of the coast as far as Mount Elias, and that from this point we would fix the limits of the respective possessions according to the one hundred and fortieth degree of longitude west from the meridian of Greenwich.

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[a] The Russian archives show that this dispatch was composed 17 (29) March, 1824 (same date as Sir. C. Bagot's No. 31), and "this month" means March.

In order not to cut Prince of Wales Island, which, according to this arrangement, would remain to Russia, we proposed to carry the southern frontier of our domains to latitude 54° 40′ and to make it abut upon the continent at the Portland Canal, of which the opening into the ocean is at the same latitude as Prince of Wales Island, and which has its origin inland between 55° and 56° of latitude.

This proposal will assure to us merely a narrow lisière (strip) upon the coast itself, and will leave to the English establishments all the needful space for increase and extension.

You will see, my lord, by the annexed documents, that we further announced the opening of the port of Novo-Archangelsk, and that we promised free navigation of the rivers which might be within our territory.

After some discussion the last counter propositions of Sir Charles Bagot were to include all of Prince of Wales Island within the Russian territory, but to stipulate that our boundary line, on leaving this island, should follow the pass called Duke of Clarence Sound and should not strike the coast until above 56° north latitude.

This difference, if regarded on the map, would appear insignificant at the first glance. It is nevertheless so essential to us that it is absolutely impossible for us to accept the plan of demarcation traced by the plenipotentiary of His Britannic Majesty.

We explained to him in our response to his second verbal note and in our answer of March 18 (19) reasons that we could not overlook and which seemed to us conclusive. The Emperor charges you, my lord, to request the Cabinet of St. James to weigh them with the most careful attention, and His Majesty is pleased to believe that upon impartial examination it will hasten to recognize the weight and justice of our reasons.

In the first place, no nation has protested against the charter of the Emperor Paul, and this universal silence may and should be regarded as a recognition of our rights.

The objection is raised that we have not made establishments on the northwest coast below the 57° of latitude. This is true, but during the season of hunting and fishing the coast and the neighboring waters are exploited by our American company far beyond the 55° and 54° parallels. This is the only manner of occupation of which these localities admit, or, at least, the only one that is necessary, with colonies founded and organized a little farther north.

We have, then, full right to insist on the continuance of a privilege which our commerce secured as early as 1799, while the English Hudson Bay and Northwest Companies have hardly been three years in the vicinity of these latitudes, and they do not yet occupy any point which touches the ocean, and it is well known that it is only with a view to the future that they are trying to secure for themselves the profits of the hunting and fishing. Thus, we wish to *keep*, and the English companies wish to *obtain*. This circumstance alone is sufficient to justify our proposals. The latter are no less consistent with the principle of mutual expediency, which should serve as a basis for the negotiations.

If Prince of Wales Island remains to us, it is necessary that it can be of some utility to us. Now, according to the plan of the British ambassador, it would be for us only a burden, and perhaps an inconvenient one. That island, in fact, and the establishments which we

might set up thereon, would find themselves entirely isolated, deprived of all support, surrounded by the domains of Great Britain, and at the mercy of the English establishments of the coast. We would exhaust ourselves in the cost of guarding and watching our part, without any compensation to alleviate the burden. Would such an arrangement be founded on the principle of mutual expediency?

We have all the more right to appeal to this principle, since England herself has proved by an authentic act that she regarded her rights to the territory, the surrender of which she demands, as doubtful. The convention of October 20, 1818, between the court of London and the United States, declares that all the extent of country between the Rocky Mountains, the Pacific Ocean, and the Russian possessions shall be the common property of the two powers for ten years. The titles of the United States to the possession of this territory are, therefore, as valid as those of England. Nevertheless, the Cabinet of Washington has admitted that our boundary should come down as far as 54° 40′. This has been admitted in a formal agreement that we have just signed with its plenipotentiary, and the strengthening of our arguments is far from being the only result of this admission; it has other consequences to which we rightly attach the greatest importance.

Free from anxiety on this side, we have now nothing to fear, and the London cabinet will doubtless acknowledge that such a condition of affairs increases the value of the sacrifices that we are offering to make. There is already a difference of nearly four degrees between the demarcation of the ukase of the 4th (16th) of September, 1821, and the one that we now point out. The establishments of the English companies could occupy the intervening space. On the east, they could unite the two coasts of America; on the south, nothing prevents their wide extension. For ourselves, we limit our demands to a mere strip of the continent, and in order to remove all cause for objection we guarantee the free navigation of the rivers and announce the opening of the port of Novo-Archangelsk.

Russia can not stretch her concessions further. She will make no others, and she is authorized to expect some concessions on the part of England; but once again, she demands only negative concessions. It can not be reiterated with sufficient positiveness that, according to the most recent charts, England possesses no establishment, either up to the latitude of Portland Channel or on the shore of the ocean itself; and Russia, when she insists on conserving a moderate expanse of the mainland (terre ferme) only insists fundamentally upon the means of utilizing—we can better say of not losing—the environing islands. This is the position of which we just spoke; we seek no advantage, we wish to avoid serious difficulties.

To sum up, my lord, so far as the question of right in this affair is concerned, Russia has that derived, on one hand, from a tacit and undeniable consent; on the other, from a peaceful exploitation for the last twenty-five years, which may be considered as equivalent to a continuous occupation.

So far as the principle of mutual expediency is concerned, Russia leaves an enormous stretch of coast and land to the progressive development of the English establishments; she insures them free outlets; she provides for the interests of their commerce, and, in compensation for all these benefits, which the most sincere spirit of concilliation has impelled her to offer, she reserves for herself only one point of support,

without which it would be impossible for her to keep half of her domains.

It is only necessary that these views be presented in a proper light to insure their appreciation on the part of a government like that of Great Britain. To doubt its compliance in this matter would be to doubt its justice; and the Emperor is pleased to believe that it will be easy for you to obtain the definitive consent of England to a compromise which, by preventing all future discussion, would satisfy our desires and our hopes.

Receive, etc., NESSELRODE.

Mr. G. Canning to Sir C. Bagot.

No. 18.] FOREIGN OFFICE, *April 24, 1824.*

SIR: Your despatches to No. 23 inclusive received here on the 14th instant by the messenger Draffen (after an unusually expeditious journey), have been laid before the King.

The courier whom your Excellency mentioned as being dispatched to Count Lieven at the same time with Draffen has not yet arrived—at least so I learn from Count Lieven, who denies having yet received the instructions which he is promised.

I take advantage of the departure of Sir Alexander Malet, whom His Majesty has been pleased to allow to be attached to your Excellency's Embassy (Mr. Bloomfield, whose assistance I had so long ago promised, not being yet able to leave England), to acknowledge the receipt of your late despatches, but I must refer your Excellency for any detailed observations upon them to what I shall write to you by a messenger, whom I intend to dispatch so soon as I shall have conferred with Count Lieven on the contents of his promised instructions.

I will not, however, defer till that opportunity the informing your Excellency that your conduct in suspending the negotiation with respect to the north-west coast of America, when you found that the modifications, which you judiciously took upon yourself to make in your instructions, were not met by corresponding concessions on the part of the Russian Government, has received His Majesty's gracious approbation.

I have referred the whole question of this negotiation anew to the Governors of the Hudson's Bay Company, whose Report I expect shortly to receive.

I have some reason to think that that Report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time. It will then remain to consider, after I shall have learnt the tenour of the instructions sent to Count Lieven, whether it may be most expedient for the King's service to carry on the ulterior discussions with the Russian Ambassador here, or to authorize your Excellency to resume and conclude the negotiation.

I am, &c. GEORGE CANNING.

Dispatch of Count Lieven to Count Nesselrode.

LONDON, *May 20/June 1, 1824.* (Received June 5/17.)

MONSIEUR LE COMTE: Au moment où j'allais expédier à votre excellence mes rapports de ce jour sub Nrs. 84–95, je fus mis en pos-

session de la dépêche qu'elle m'a fait l'honneur de m'adresser sous la date de 5 avril, et qui contient les dernières propositions de notre Cour, relativement à la ligne de démarcation qui doit séparer les possessions russes des possessions anglaises sur la côte nord-ouest de l'Amérique.

Comme la réception de cette pièce avait coincidé avec l'arrivée d'un courrier autrichien, porteur de l'opinion du Cabinet de Vienne sur le mémoire de notre Cour concernant la pacification de la Grèce, et que dans ses entretiens le Secrétaire d'Etat m'avait fait entrevoir que la rentrée de ces documens serait suivie de près de la remise des réponses du Gouvernement Britannique, j'ai cru, Monsieur le Comte, devoir profiter de cette double circonstance pour chercher à soumettre au Ministère Impérial par la même voie les déterminations définitives du Cabinet Anglais sur ces deux sujets. Cette considération m'engagea à remettre le départ du courrier que j'allais diriger sur St.-Pétersbourg, et Mr. Canning que j'en informai, me donna l'assurance qu'il me mettrait à même de justifier complettement la cause de ce retard.

Néanmoins, un surcroît de travaux parlementaires, l'arrivée de la réponse du Cabinet de Madrid sur la question des Colonies, et les nouvelles subséquentes de Lisbonne absorbèrent à tel point tous les loisirs du Secrétaire d'Etat, que ce n'est que depuis hier que j'ai obtenu à force d'instances la réponse que Votre Excellence trouvera ci-joint en original et en traduction.

Mr. Canning ayant réuni les deux sujets dans un même cadre, je suivrai l'ordre qu'il a observé, en abordant en premier lieu la question de la négociation ayant trait à la fixation des limites sur la côte Nord-Ouest de l'Amérique.

I. Votre Excellence observera par la dépêche de Mr. Canning, que le Gouvernement Anglais consent à admettre les termes dernièrement proposés par notre Cour, et que Sir Charles Bagot va recevoir l'autorisation de signer sur ces bases la convention qui réglera définitivement l'état de nos frontières en Amérique. Les conditions mises à la discrétion de l'Ambassadeur Britannique sur ce point, ne paraitront peut être pas au Ministère Impériale de nature à diminuer le prix de cette concession.

Elles consistent:

a. "Dans une désignation plus précise des limites dans lesquelles la portion de territoire réclamée par la Russie sur le continent doit être renfermée."

La proposition de notre Cour était de faire courir cette frontière le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont Elie. Le Gouvernement Anglais admet complettement cette ligne telle qu'elle se trouve désignée sur les cartes; mais comme il croit que celles-ci sont imparfaites, et que les montagnes devant servir de frontière pourraient en s'écartant de la côte, au delà de la ligne indiquée, enclaver une étendue de territoire considérable, il désire que celle que nous réclamons soit plus précisément désignée, afin de ne point céder en réalité au delà de ce que notre Cour demande, et de ce que l'Angleterre est disposée à accorder.

b. "Dans la fixation d'un degré de longitude plus occidental que la limite désignée par notre Cour au nord du Mont Elie."

Le Cabinet Impérial a proposé que cette limite soit formé par une ligne de prolongation tracée vers le nord, à partir due 139° de longitude (méridien de Greenwich). En suivant cette direction, la frontiére russe

aboutirait, selon le Gouvernement Anglais, à l'embouchure supposée de la rivière de Mackenzie, qu'une expédition envoyée tout récemment par ce Gouvernement vient encore d'être chargée d'explorer plus en détail. La fixation de cette limite pourrait donc, à son avis, amener une collision entre les possessions des deux Gouvernemens, qu'il est dans l'intérêt et l'intention de tous les deux d'éviter. Pour atteindre ce but, le Cabinet de Londres propose que la ligne de démarcation, en partant du Mont Elie, au lieu de suivre la prolongation du 139° de longitude, prenne une direction plus occidentale suffisante pour l'écarter de l'embouchure de la riviére Mackenzie.

Mr. Canning m'a assuré qu'il a rencontré les plus grandes difficultés à faire consentir les compagnies de la baie de Hudson et du Nord-Ouest au plan de démarcation proposé par notre Cour, et qu'elles considèrent surtout la cession de l'île entière du Prince de Galles comme bien plus importante qu'elle ne semble à la Russie.

A l'observation que j'ai faite au Secrétaire d'Etat sur l'inutilité des réclamations insérées dans sa résponse, au sujet du libre usage des rivières enclavées dans les possessions russes ou des mers avoisinantes, et relativement aux droits énoncés dans l'oukase de l'année 1821, sur la navigation exclusive du nord de l'Ocean Pacifique, vû que le premier de ces objets avait été explicitement accordé par notre Cour, et que l'autre point se trouvait applani par la convention conclue avec les Etats-Unis, Mr. Canning me répondit, que ces deux demandes n'avaient pas été articulées par lui pour les faire valoir aux yeux de notre Gouvernement, mais uniquement pour pouvoir lui offrir des argumens contre ses adversaires parlementaires, dans le cas où cette pièce serait soumise à la Chambre, et le mettre à même de prouver que, si le Gouvernement Anglais faisait un abandon de droits à la Russie, il n'en stipulait pas moins en même temps une juste réciprocité de concessions. L'arrière-pensée de l'effet que ses actes publics pourront produire au Parlement, perce dans toutes les pièces qui émanent du Secrétaire d'Etat, et si je n'avais désiré en cette occasion éviter les inconvéniens que j'ai trouvés à plus d'une reprise à me reposer sur de seules explications verbales, je n'aurais point insisté, comme je l'ai fait, sur une déclaration écrite, où je m'attendais que la Secrétaire d'Etat chercherait à couvrir sa responsabilité sous toutes les réserves que la sujet admettait.

[Here follows the Greek question.]

[Translation.]

Dispatch of Count Lieven to Count Nesselrode.

LONDON, *May 20/June 1, 1824.* (Received June 5 17.)

COUNT: Just as I was about to send your excellency my reports of to-day, under Nos. 84–95, I received the dispatch which you did me the honor to address me under date of April 5 (17), and which contains the last propositions of our Government with regard to the line of demarcation which is to separate the Russian possessions from the English possessions on the northwest coast of America.

As the receipt of this document coincided with the arrival of an Austrian courier, the bearer of the opinion of the Cabinet of Vienna on the memorandum of our Court concerning the pacification of Greece, and

as the secretary of state had given me reason to expect that the arrival of these documents would be speedily followed by the delivery of the replies of the British Government, I thought, Count, that I ought to avail myself of this double incident to endeavor to submit to the Imperial ministry, by the same channel, the final decisions of the English Cabinet upon these two subjects. This consideration induced me to postpone the departure of the courier, whom I was about to dispatch to St. Petersburg, and Mr. Canning, whom I informed of it, gave me the assurance that he would enable me to give perfectly satisfactory reasons for this delay.

Nevertheless, an increase of parliamentary labors, the arrival of the reply of the cabinet of Madrid upon the question of the colonies, and the subsequent news from Lisbon, absorbed all the leisure of the secretary of state to such a degree that it was not until yesterday that I obtained, by dint of urgent solicitation, the reply which your excellency will find inclosed, in the original and in translation.

As Mr. Canning has united the two subjects in the same document, I shall follow the order which he has observed, and shall first take up the question of the negotiations relating to the settlement of the boundaries on the northwest coast of America.

I. Your excellency will notice by Mr. Canning's dispatch that the English Government agrees to accept the terms last proposed by our court, and that Sir Charles Bagot is about to receive authority to sign, upon these bases, the convention which will permanently settle the state of our frontiers in America. The conditions placed at the discretion of the British ambassador on this point will probably not appear to the imperial ministry of a nature to diminish the value of this concession.

They consist:

(*a*) Of a more definite description of the limits within which the portion of territory obtained by Russia on the continent is to be inclosed.

The proposition of our court was to make this frontier run along the mountains which follow the windings of the coast to Mount Elias. The English Government fully accepts this line as it is laid off on the maps; but, as it thinks that the maps are defective and that the mountains which are to serve as a frontier might, by leaving the coast beyond the line designated, inclose a considerable extent of territory, it wishes the line claimed by us to be described with more exactness, so as not to cede, in reality, more than our court asks and more than England is disposed to grant.

(*b*) Of the selection of a degree of longitude farther to the west than the line designated by our court north of Mount Elias.

The Imperial cabinet proposed that this boundary should be formed by a line of prolongation drawn toward the north, beginning at the one hundred and thirty-ninth degree of longitude west of Greenwich. By following this direction the Russian frontier would end, according to the English Government, at the supposed mouth of the Mackenzie River, which an expedition sent very recently by that Government has just been again ordered to explore more in detail. The establishment of that boundary might, consequently, produce a collision between the possessions of the two Governments, which it is in the interests and intentions of both to avoid. In order to attain this end, the cabinet of London proposes that the line of demarcation, starting from Mount Elias, instead of following the prolongation of the one hundred and

thirty-ninth degree of longitude, shall take a more western course, sufficient to divert it from the mouth of the Mackenzie River.

Mr. Canning assured me that he had found the greatest difficulty in gaining the consent of the Hudson Bay and Northwest companies to the plan of demarcation proposed by our court, and that they regard, especially, the cession of the whole of Prince of Wales Island as of much greater importance than it appears to Russia.

To the remarks which I made to the Secretary of State as to the uselessness of the demands inserted in his reply on the subject of the free use of the rivers inclosed in the Russian possessions, and of the neighboring seas, and with respect to the rights asserted in the ukase of the year 1821, concerning the exclusive navigation of the northern part of the Pacific Ocean, as the first of these points had been expressly granted by our court and the other was settled by the convention concluded with the United States, Mr. Canning replied that these two demands had not been formulated by him for their weight in the eyes of our Government, but only to furnish him with arguments against his adversaries in Parliament in case this document should be submitted to the House, and to enable him to prove that, if the English Government abandoned any rights to Russia, it none the less stipulated a just reciprocity of concessions. The secret thought of the effect which his public acts may produce in Parliament displays itself in all the documents emanating from the Secretary of State, and if I had not been particularly desirous on this occasion to avoid the inconveniences which I have more than once found in trusting to merely oral explanations, I would not have insisted as I did upon a written declaration, in which I expected that the Secretary of State would endeavor to conceal his responsibility under all the reservations that the subject admitted.

(Here follows the Greek question.)

Count Lieven to Count Nesselrode.

LONDON, *May 21 / June 2, 1824.*

[Extract.]

J'aurais été inconsolable si ce long délai avait été perdu pour le bien des affaires; mais j'ai au moins la satisfaction de vous annoncer que le Cabinet Anglais admet le principe des dernières propositions de notre Cour, relatives à la délimitation de nos possessions sur la côte nord-ouest de l'Amérique. Cet assentiment est, à la vérité, accompagné de la demande de quelques modifications, mais qui semblent être de peu de valeur pour nous, et que la latitude accordée à Bagot pourra faire mitiger s'il y avait lieu.

Canning, je dois l'avouer, a mis beaucoup de bonne volonté à nous satisfaire complettement; mais il avait à lutter contre une forte opposition de la part des compagnies intéressées.

[Extract.—Translation.]

Count Lieven to Count Nesselrode.

LONDON, *May 21 / June 2, 1824.*

I would have been inconsolable if this long delay had been of no advantage to our affairs, but I have at least the satisfaction of inform-

ing you that the English cabinet admits the principle of the last propositions of our court relating to the demarcation of our possessions on the northwest coast of America. It is true that this acquiesence is accompanied by the demand for some modifications, but which appear to be of little importance to us and which the latitude granted to Bagot may moderate if there is any necessity for it.

I must confess that Canning has exerted himself very faithfully to satisfy us completely, but he had to struggle against a violent opposition on the part of the companies interested.

Mr. G. Canning to Count Lieven.

[Extract.]

FOREIGN OFFICE, *May 29, 1824.*

After mature consideration of the two despatches from Count Nesselrode to your Excellency on the 5th ultimo, copies of which your Excellency had the goodness to put into my hands, I have the satisfaction to acquaint your Excellency that I shall be enabled shortly to send to His Majesty's Ambassador at St. Petersburgh such instructions on the subject matter of both as shall meet, in a great degree, the wishes of your Court.

1. As to the line of demarcation to be drawn between Russian and British occupation on the north-west coast of America; Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the term last proposed by the Russian Government.

The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend.

It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September 1821 are to be altogether withdrawn.

Mr. G. Canning to Sir C. Bagot.

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SIR: I transmit to your Excellency a copy of a letter which I have addressed to Count Lieven upon the subject-matter of two despatches from Count Nesselrode to Count Lieven, which that Ambassador communicated to me, and copies of which I also inclose.

Your Excellency will learn from my letter to Count Lieven that you may expect definitive instructions very shortly, both for the conclusion

of the negotiation relating to the north-west coast of America, and to the proposed Conference on the pacification of Greece.

I hope to dispatch a messenger to your Excellency with these instructions in the course of the next week.

Meantime the inclosed paper will put your Excellency generally in possession of the sentiments of His Majesty's Government upon these several subjects. But your Excellency will not take any step upon them until you shall have received my promised instructions.

I am, &c.

GEORGE CANNING.

Mr. G. Canning to Sir C. Bagot.

No. 26.] FOREIGN OFFICE, *July 12, 1824.*

SIR: After full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between British and Russian occupancy on the northwest coast of America; and of the comparative inconvenience of admitting some relaxation in the terms of your excellency's last instructions, or of having the question between the two Governments unsettled for an indefinite time, His Majesty's Government have resolved to authorize your excellency to consent to include the south points of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation, a line drawn from the southernmost point of Prince of Wales Island from south to north through Portland Channel, till it strikes the mainland in latitude 56; thence following the sinuosities of the coast, along the base of the mountains nearest the sea to Mount Elias, and thence along the one hundred and thirty-ninth degree of longitude to the Polar Sea.

I inclose the draft of a projet of convention founded upon these principles, which your excellency is authorized to sign previously to your quitting St. Petersburg.

The advantages conceded to Russia by the line of demarcation, traced out in this convention, are so obvious, as to render it quite impossible that any objection can reasonably be offered on the part of the Russian Government to any of the stipulations in our favor.

There are two points which are left to be settled by your excellency:

1. In fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast, the seaward base of the mountains is assumed as that limit; but we have experience that other mountains on the other side of the American continent, which have been assumed in former treaties as lines of boundary, are incorrectly laid down in the maps; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount St. Elias, is not carried too far inland.

This is done by a proviso that that line should in no case (i. e., not in that of the mountains, which appear by the map almost to border the coast, turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues; but it would be desirable if your excellency were enabled to obtain a still more narrow limitation.

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We should have no objection to agree to the Article without any limitation of time. We should prefer a longer period (say twenty years) to that stipulated by the Americans. Your excellency will obtain either of these extensions if you can, but you must not agree to a shorter term than ten years.

Your excellency will be careful to make it understood that this limitation of time can not in any case extend to the use by Great Britain of the harbor of New Archangel, still less of the rivers, creeks, etc., on the continent, the use of all which is in the nature of a compensation for the perpetual right of territory granted to Russia, and, therefore, must be alike perpetual. If your excellency shall, as I can not doubt, conclude and sign this convention before your departure, you will make it a point to bring with you the ratification of the Russian Government to be exchanged by Count Lieven against that of His Majesty.

I have, etc.,

GEORGE CANNING.

[Inclosure.]

Draft Convention.

Sa Majesté le Roi du Royaume-Uni de la Grand Bretagne et de l'Irlande, et Sa Majesté-l'Empereur de Toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui régleroit, sur le principe d'une convenance réciproque, différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique; leurs dites Majestés ont nommé des Plénipotentiares pour conclure une Convention à cet effet, savoir:

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, &c., &c., &c.;

Et Sa Majesté l'Empereur de Toutes les Russies, &c., &c., &c.;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:

ARTICLE I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement dans toute l'étendue de l'Océan Pacifique, y comprise la Mer au dedans du Détroit dit de Béhring, et ne seront point troublés ni molestés en exerçant leur commerce et leurs pêche-

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, being desirous of drawing still closer the ties of friendship and good understanding which unite them, by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions and establishments on the north-west coast of America; their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c., &c., &c.;

And His Majesty the Emperor of All the Russias, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

ARTICLE I.

It is agreed between the High Contracting Parties that their respective subjects shall enjoy the right of free navigation along the whole extent of the Pacific Ocean, comprehending the sea within Behring's Straits, and shall neither be troubled nor molested in carrying on

ries, dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu, que la dite liberté de pêcherie ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

ARTICLE II.

La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les Isles de l'Amérique du nord-ouest, sera tracée de la manière suivante:

En commençant des deux points de l'isle dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous le parallèle de 54° 40′, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière, entre les possessions Britanniques et Russes, remontera, au nord, par la passe dite le Portland Channel, jusqu'à ce qu'elle touche à la côte de la terre ferme située au 56e degré de latitude nord. De ce point elle suivra cette côte, parallèlement à ses sinuosités, et sous ou dans la base vers la mer des montagnes qui la bordent, jusqu'au 139e degré de longitude ouest du dit méridien. Et de là, la susdite ligne méridionale du 139e degré de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessiones Brittanniques et Russes, sur le dit Continent de l'Amérique du nord-ouest.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent:

1. Que la susdite lisière de côte sur le Continent de l'Amérique, formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de ——— lieues maritimes, à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commenceront librement à perpétuité sur la dite lisière de côte, et sur celle des isles qui l'avoisinent.

3. Que la navigation et le commerce des fleuves du continent traversant cette lisière, seront libres aux sujets Britanniques, tant à ceux habitant ou fréquentant l'intérieur de ce continent, qu'à ceux qui aborderont ces parages du côté de l'Océan Pacifique.

their trade and fisheries, in all parts of the said ocean, either to the northward or southward thereof.

It being well understood that the said right of fishery shall not be exercised by the subjects of either of the two Powers, nearer than two marine leagues from the respective possessions of the other.

ARTICLE II.

The line which separates the possessions of the two High Contracting Parties upon the continent and the Islands of America to the north-west, shall be drawn in the manner following:

Commencing from the two points of the island called "Prince of Wales' Island," which form the southern extremity thereof, which points lie in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the channel called Portland Channel, till it strikes the coast of the Continent lying in the 56th degree of north latitude. From this point it shall be carried along that coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian. Thence the said meridian line of 139th degree of west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the said Continent of America to the north-west.

ARTICLE III.

It is, nevertheless, understood, with regard to the stipulations of the preceding Article:

1. That the said line of coast on the Continent of America, which forms the boundary of the Russian possessions, shall not, in any case, extend more than ——— marine leagues in breadth from the sea towards the interior, at whatever distance the aforesaid mountains may be.

2. That British subjects shall forever freely navigate and travel along the said line of coast, and along the neighbouring islands.

3. That the navigation and commerce of those rivers of the continent which cross this line of coast shall be open to British subjects, as well to those inhabiting or visiting the interior of this continent, as to those coming from the Pacific Ocean, who shall touch at these latitudes.

ARTICLE IV.

Le port de Sitka ou Nove Archangelsk sera et restera à jamais ouvert au commerce des sujects de Sa Majesté Britannique.

ARTICLE V.

Par rapport aux autres parties des côtes du continent de l'Amérique du nord-ouest, et des isles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du —— Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golphes, havres, et criques des dites côtes, dans des endroits non déjà occupés, afin d'y faire la pêche et le commerce avec les naturels du pays.

Bien entendu:

1. Que partont où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant ou autre préposé de cet endroit, à moins qu'ils n'y seront forcés par tempêtes ou quelque autre accident.

2. Que la dite liberté de commerce né comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre. Tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer, en manière quelconque, aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques aucun établissement, ni sur les côtes ni sur la lisière du continent comprises dans les limites des possessions Russes désignées par l'Article II; et de méme, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes navigant dans ces mers, qui seront forcés par des tempêtes, ou par quelque autre accident, à se réfugier dans les ports respectifs, pourront s'y radouber e s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun droit hors ceux de port et des fanaux, qui n'excéderont pas ce que payent les navires indigènes. A moins que le patron d'un tel navire ne se trouveroit dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses; auquel cas, il sera tenu de se conformer aux Ordonnances et Tarifs de l'endroit où il aura abordé.

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The port of Sitka or Nove Archangelsk shall be, and shall for ever remain, open to the commerce of the subjects of His Britannic Majesty.

ARTICLE V.

With regard to the other parts of the northwest coast of America, and of the islands adjacent thereto, belonging to either of the two High Contracting Parties, it is agreed that, for the space of —— years from the —— April, 1824, their respective vessels, and those of their subjects, shall reciprocally enjoy the liberty of visiting, without hindrance, the gulfs, havens, and creeks of the said coast, in places not already occupied, for the purposes of fishery and of commerce with the natives of the country.

It being understood:

1. That the subjects of either of the High Contracting Parties shall not land at any spot where there may be an establishment of the other, without the permission of the Governor or other authority of the place, unless they should be driven thither by stress of weather or other accidents.

2. That the said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords, bayonets, &c., gunpowder, or other warlike stores. The High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any matter whatever, to the natives of the country.

ARTICLE VI.

No establishment shall, in future, be formed by British subjects, either upon the coast or upon the borders of the continent comprised within the limits of the Russian possessions designated in Article II; and, in like manner, no such establishments shall be formed by Russian subjects beyond the said limits.

ARTICLE VII.

Such British and Russian vessels navigating these seas, as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again, without the payment of any duties except port and lighthouse dues not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandize in order to defray his expenses, he shall conform himself to the Regulations and Tariffs of the place where he may have landed.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voye de fait, seront tenus de rendre un rapport exact de l'affaire et de ses circonstances, aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE VIII.

In every case of complaint on account of an infraction of the Articles of the present Convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE IX.

La présente Convention sera ratifiée, et les ratifications en seront échangées á ——— dans l'espace de —— mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cashet de leurs armes.

Fait à ——— le —— l'an de Grace 1824.

ARTICLE IX.

The present Convention shall be ratified, and the ratifications shall be exchanged at ——— within the space of —— months, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at ——— the —— day of ———, in the year of Our Lord 1824.

Count Lieven to Count Nesselrode.

LONDRES, *le 13/25 Juillet, 1824.* (Received Aug. 7/19.)

MONSIEUR LE COMPTE: Par ma dépêche de 20 Mai/1 Juin, No. 96, j'avais l'honneur d'informer Votre Excellence de l'expédition prochaine à Sir Charles Bagot, de nouvelles instructions pour la conclusion définitive de la Convention qui doit régler l'état de nos frontières en Amérique. J'ai aujourd'hui la satisfaction de Vous annoncer, Monsieur le Comte, que Mr. Canning va profiter du départ de Mr. Ward, pour transmettre à l'Ambassadeur Britannique l'autorisation de signer cet acte. Le Secrétaire d'Etat a même été plus loin. Il a dressé d'avance un projet de Convention dont il m'a permis de prendre lecture.

Dans ce projet, dont le plan est en grande partie basé sur la Convention déjà conclue sur le même objet entre le Cabinet Impérial et celui de Washington, j'ai remarqué avec plaisir que le Gouvernement Anglais renonçait entièrement à la prétention qu'il avait émise en dernier lieu, relativement à la fixation d'un degré de longitude plus occidental que la limite désignée par notre Cour, à partir du Mont Elie, et qu'il admet aujourd'hui sans restriction, que cette limite sera formée par une ligne de prolongation tracée vers le nord, en suivant la direction due 139ème degré de longitude.

Quant à frontère des possessions respectives au sud du Mont Elie, c'est le long de la base des montagnes qui suivent les sinuosités du rivage, que Mr. Canning la fait courir. J'ai cru devoir lui représenter que lorsqu'on fait servir une chaîne de montagnes à la fixation d'une limite quelconque, c'est toujours *la cime* de ces montagnes qui forme la ligne de démarcation; et qu'en cette circonstance, le mot de *base*, par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne me paraissait pas propre à mettre la délimitation dont il s'agit à l'abri de toute contestation.

Du reste, Monsieur le Comte, tout ce qui regarde les droits de navigation réciproques des deux puissances dans ces parages m'a semblé

ing you that the English cabinet admits the principle of the last propositions of our court relating to the demarcation of our possessions on the northwest coast of America. It is true that this acquiesence is accompanied by the demand for some modifications, but which appear to be of little importance to us and which the latitude granted to Bagot may moderate if there is any necessity for it.

I must confess that Canning has exerted himself very faithfully to satisfy us completely, but he had to struggle against a violent opposition on the part of the companies interested.

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[Extract.]

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En commençant des deux points de l'isle dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous le parallèle de 54° 40′, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière, entre les possessions Britanniques et Russes, remontera, au nord, par la passe dite le Portland Channel, jusqu'à ce qu'elle touche à la côte de la terre ferme située au 56e degré de latitude nord. De ce point elle suivra cette côte, parallèlement à ses sinuosités, et sous ou dans la base vers la mer des montagnes qui la bordent, jusqu'au 139e degré de longitude ouest du dit méridien. Et de là, la susdite ligne méridionale du 139e degré de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessiones Brittanniques et Russes, sur le dit Continent de l'Amérique du nord-ouest.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent:

1. Que la susdite lisière de côte sur le Continent de l'Amérique, formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de ——— lieues maritimes, à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commenceront librement à perpétuité sur la dite lisière de côte, et sur celle des isles qui l'avoisinent.

3. Que la navigation et le commerce des fleuves du continent traversant cette lisière, seront libres aux sujets Britanniques, tant à ceux habitant ou fréquentant l'intérieur de ce continent, qu'à ceux qui aborderont ces parages du côté de l'Océan Pacifique.

their trade and fisheries, in all parts of the said ocean, either to the northward or southward thereof.

It being well understood that the said right of fishery shall not be exercised by the subjects of either of the two Powers, nearer than two marine leagues from the respective possessions of the other.

ARTICLE II.

The line which separates the possessions of the two High Contracting Parties upon the continent and the Islands of America to the north-west, shall be drawn in the manner following:

Commencing from the two points of the island called "Prince of Wales' Island," which form the southern extremity thereof, which points lie in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the channel called Portland Channel, till it strikes the coast of the Continent lying in the 56th degree of north latitude. From this point it shall be carried along that coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian. Thence the said meridian line of 139th degree of west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the said Continent of America to the north-west.

ARTICLE III.

It is, nevertheless, understood, with regard to the stipulations of the preceding Article:

1. That the said line of coast on the Continent of America, which forms the boundary of the Russian possessions, shall not, in any case, extend more than ——— marine leagues in breadth from the sea towards the interior, at whatever distance the aforesaid mountains may be.

2. That British subjects shall forever freely navigate and travel along the said line of coast, and along the neighbouring islands.

3. That the navigation and commerce of those rivers of the continent which cross this line of coast shall be open to British subjects, as well to those inhabiting or visiting the interior of this continent, as to those coming from the Pacific Ocean, who shall touch at these latitudes.

Sir C. Bagot to Mr. G. Canning.

No. 41.] ST. PETERSBURG, *August 12, 1824.* (Received Sept. 9.)

SIR: You will certainly learn with considerable surprise that, so far from having it in my power, as I had confidently hoped that I should have, to bring with me on my return to England a treaty signed and ratified by the Russian Government, upon the subject of the northwest coasts of America, I am already enabled to acquaint you that, after only two meetings with the Russian plenipotentiaries, I have ascertained that it is totally impossible to conclude with them any arrangement upon the subject which is at all reconcilable with the "projet" transmitted to me in your dispatch No. 26 of the 12th of last month, even if I were to take upon myself to exercise, upon several points of it, a discretion which is not given to me by your instructions.

To satisfy His Majesty's Government upon this subject, it seems only necessary that I should transmit to you the inclosed copy of a "contre-projet" offered to me by the Imperial plenipotentiaries on the day after our first meeting, viz, on Saturday last, the 21st instant.

The differences between this "contre-projet" and the "projet" which I had given in are, in many respects, unimportant, consisting either in unnecessary changes in the expressions, or in the order of the articles, or in other minor points, none of which, as I have reason to think, would have been tenaciously adhered to, and of which some might have been safely admitted. But there are three points upon which the differences appear to be almost, if not altogether, irreconcilable.

These points are:

1. As to the opening *forever* to the commerce of British subjects of the port of Novo Archangelsk.

2. As to the liberty to be granted to British subjects to navigate and trade *forever* along the coast of the lisière which it is proposed to cede to Russia, from the Portland Channel to the sixtieth degree of north latitude, and the islands adjacent.

3. As to the liberty to be given reciprocally to each power to visit for a term of years the other parts of the northwest coasts of America.

As to the first of these points, the Russian plenipotentiaries declare that, however disposed they might and probably should be to renew this liberty to His Majesty's subjects at the expiration of ten years, they can under no circumstances consent to divest themselves forever of a discretionary power in this respect by granting such a privilege in perpetuity.

Upon this point I reminded the plenipotentiaries that the freedom of the port of Novo Archangelsk was originally offered to Great Britain by themselves, unsolicited and unsuggested by me, in the first "contre-projet" which they gave to me in our former conferences; that the same offer had been repeated by Count Nesselrode in his dispatch to Count Lieven of the 5th April last, and that upon neither occasion had it been accompanied by any restriction as to any period of time. It is admitted to me that no period of time was specified upon those occasions, but that it was never intended to declare that the freedom should be perpetual, and that they could never be induced to grant it upon such terms.

As to the second point: The Russian plenipotentiaries declare that they are ready to grant to His Majesty's subjects for ten years, but for

no longer period, the liberty to navigate and trade along the coast of the lisière proposed to be ceded to Russia, from the Portland Channel to the sixtieth degree of north latitude, and the islands adjacent, and that they are ready to grant *forever* the right of ingress and egress into and from whatever rivers may flow from the American continent and fall into the Pacific Ocean within the above-described lisière, but that they can, under no circumstances and by no supposed correspondent advantages, be induced to grant to any power the privilege to navigate and trade in perpetuity within a country the full sovereignty of which was to belong to Russia; that such perpetual concession was repugnant to all national feeling and was inconsistent with the very idea of sovereignty.

As regards the third point, the Russian plenipotentiaries declared that the coasts of North America extending from the sixtieth degree of North latitude to Bering Straits, the liberty to visit which, under certain conditions, is stipulated in the "projet" by Great Britain, in return for a similar liberty to be given, under the same conditions, to Russian subjects to visit the North American coasts belonging to His Majesty, are and have always been the absolute and undisputed territory of His Imperial Majesty, and that it is not the intention of His Imperial Majesty to grant to any power whatever for any period of time the liberty which is required.

These are the three principal points upon which I was yesterday distinctly given to understand that the Russian Government would consider it their duty to insist, and consequently that, unless my instructions should enable me to modify the "projet" so far as regarded them, the negotiations must be considered as at an end.

It is, I believe, scarcely necessary that, after having stated this, I should trouble you with any further observations upon the subject.

The other differences which exist between the "projet" and the "contre-projet," though numerous, are, as I have said before, of minor importance, and such as would, I think, have been easily adjusted. What they are will be best shown by the "contre-projet" inclosed.

I hope that His Majesty's Government will give me credit for not having too hastily supposed that the objections urged by the Russian plenipotentiaries were insurmountable. I am, I think, too well acquainted with, and have too long negotiated upon, this subject to have deceived myself in this respect, and I am fully persuaded, from what has passed between Count Nesselrode, M. Poletica, and myself since the arrival of your instructions, that the determination of the Russian Government is now taken rather to leave the question unsettled between the two Governments for any indefinite time than to recede from their pretensions so far as they regard the three points which I have particularly specified.

In closing yesterday the conference, which assured me that all further chance of negotiation was, for the present at least, terminated, I thought it my duty to remind the Russian plenipotentiaries that the maritime jurisdiction assumed by Russia in the Pacific, which he had hoped to see revoked in the simplest and least unpleasant manner by mixing it with a general adjustment of other points, remained, by the breaking off of our negotiations, still unretracted; and that my Government would probably be of opinion that upon that part of the question some arrangement must be entered into.

It may be proper to add that, in reference to the sixth article of the

"contre-projet," I gave the Russian plenipotentiaries distinctly to understand that neither His Majesty's Government nor those of the other maritime powers of the world would, as I thought, be likely to accept the free navigation of Bering Straits as a concession on the part of Russia.

I have, etc., CHARLES BAGOT.

[Inclosure.]

Counter-Draft of the Russian Plenipotentiaries.

Sa Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi du Royaume-Uni de la Grande Bretagne et de l'Irlande voulant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui réglerait d'après le principe des convenances réciproques, les limites de leurs possessions et Établissemens sur la côte nord-ouest de l'Amérique, ainsi que différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ont nommé des Plénipotentiares pour conclure une Convention à cet effet, savoir, &c., lasquels, apprés s'être communiqué, &c., ont arrêté et signé les Articles suivans:

ARTICLE I.

La ligne de démarcation entre les possessions des deux Hautes Parties Contractantes sur la côte nord-ouest de l'Amérique et les îles adjacentes, sera tracée ainsi qu'il suit:

A partir des deux points qui forment l'extrémité méridionalé de l'île dite du Prince de Galles, laquelle appartiendra tout entière à la Russie, points situés sous la parallèle du 54° 40′ de latitude nord, et entre les 131° et 133° de longitude ouest (méridien de Greenwich) la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe, dite le Portland Channel, jusqu'au point où cette passe se termine dans l'interieur de la terre ferme au 56° de latitude nord. De ce point, elle suivra cette côte parallèlement à ses sinuosités jusqu'au 139° de longitude ouest (même méridien) et de là, la frontière entre les possessions respectives sur le Continent Américaln sera formée par la ligne du susdit degré de longitude dans sa prolongation jusqu'à la mer Glaciale.

ARTICLE II.

La lisière de la côte nord-ouest appartenante à la Russie depuis le Portland Channel jusqu'au point d'intersection du 139° de longitude ouest (méridien de Greenwich) n'aura point en largeur sur le continent plus de 10 lieues marines à partir du bord de la mer.

ARTICLE III.

Il est convenu—

1. Que dans les possessions des deux puissances, telles qu'elles sont désignées aux articles précédens et nommément jusqu'à la hauteur du 59° 30′ de latitude nord, mais point au delà, leurs vaisseaux respectifs et ceux de leurs sujets auront pendant dix ans à compter du 5 (17) avril 1824, la faculté réciproque de fréquenter librement les golphes, hâvres, criques, dans les parties des îles et des côtes, qui ne seraient point occupées par des établissemens soit russes, soit britanniques, et d'y faire la pêche et le commerce avec les naturels du pays.

2. Que partout où il y aura un établissement de l'une des hautes puissances contractantes, les sujets de l'autre ne pourront y aborder sans la permission du commandant ou préposé du lieu, sauf les cas d'accidens ou de tempête.

3. Que liberté de commerce ci-dessus mentionnée ne comprendra ni les liqueurs spiritueuses, ni les armes à feu et armes blanches, ni la poudre à canon et autres munitions de guerre: tous articles que les hautes puissances contractantes s'engagent réciproquement à ne pas laisser vendre par leurs sujets respectifs aux naturels de la côte et des îles nord-ouest de l'Amérique.

4. Que sur la lisière de la dite côte indiquée en l'Article II de la présente convention comme appartenante à la Russe les sujets de Sa Majesté Brittannique jouiront à perpétuité de la libre navigation des fleuves, soit qu'ils habitent l'intérieur du con-

tinent, soit qu'ils veulent y arriver de l'Océan Pacifique au moyen de ces mêmes fleuves.

5. Que le por de Sitka ou Novo-Archangelsk sera ouvert, pendant dix ans, au commerce étranger, et qu'à l'expiration de ce terme cette franchise sera renouvelée suivant les convenances de la Russie.

ARTICLE IV.

A l'avenir il ne pourra, être formé aucun établissement par les sujets de Sa Majesté Britannique dans les limites des possessions russes désignées aux Articles I et II et de même il n'en pourra être formé aucun par les sujets de Sa Majesté l'Empereur de toutes les Russies hors des dites limites.

ARTICLE V.

Les hautes puissance contractantes stipulent en outre que leurs sujets respectifs navigueront libremient, sur toute l'étendue de l'Océan Pacifique, tant au nord qu'au sud, sans entrave quelconque, et qu'ils jouiront du droit de pêche en haute mer, mais que ce droit ne pourra jamais être exercé qu'à la distance de 2 lieues marines des côtes ou possessions, soit russes, soit britanniques.

ARTICLE VI.

Sa Majesté l'Empereur de Toutes les Russies, voulant même donner une preuve particulière de ses égards pour les intérêts des sujets de Sa Majesté Britannique et rendre plus utile le succès des enterprises, qui auraient your résultat de découvrir un passage au nord du Continent Américain, consent à ce que la liberté de navigation mentionnée en l'Article précédent s'étende sous les mêmes conditions, au Détroit de Behring et à la mer située au nord de ce détroit.

ARTICLE VII.

Les vaisseaux Russes et Britanniques naviguant sur l'Océan Pacifique et la mer ci-dessus indiquée, qui seroient forcés par les tempêtes ou par quelque avarie, de se réfugier dans les ports respectifs des Hautes Parties Contractantes, pourront s'y radouber, s'y pourvoir de tous les objets qui leur seront nécessaires et se remettre en mer librement, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront fixés pour eux du même montant que pour les navires nationaux.

En pareilles occasions les patrons des bâtimens, soit Russes, soit Britanniques, seront tenus de se conformer aux lois, Ordonnances, et Tarifs en vigueur dans le port, où ils auront abordé.

ARTICLE VIII.

Dans tous les cas de plainte sur l'infraction des Articles du présent accord, les officiers et fonctionnaires publics s'abstiendront de part et d'autre de toute violence ou voye de fait, et rendront un compte exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles termineront le différend à l'amiable, et selon les principes d'une mutuelle justice.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées dans l'espace de ——— mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg, le ———, 1824.

[Inclosure.—Translation.]

Counter draft of the Russian plenipotentiaries.

His Majesty the Emperor of All the Russias and His Majesty the King of the United Kingdom of Great Britain and of Ireland, desiring to draw still closer the ties of friendship and of good understanding which unite them, by means of an agreement which shall settle, upon the basis of reciprocal convenience, the boundaries of their possessions and establishments on the northwest coast of Ameriea, as well as different points connected with the commerce, navigation, and fisheries of their subjects

on the Pacific Ocean, have named their plenipotentiaries to conclude a convention for this purpose, that is to say, etc., who, after having communicated to each other, etc., have decided upon and signed the following articles:

ARTICLE I.

The line of demarcation between the possessions of the two high contracting parties on the northwest coast of America and the adjacent islands shall be drawn in the following manner:

Beginning at the two points which form the southern extremity of the island called "Prince of Wales's Island," which latter shall belong wholly to Russia, the points being situated in the parallel of 54° 40′ of north latitude and between the 131° and 133° of west longitude (meridian of Greenwich), the line of frontier between the Russian possessions and the English possessions shall ascend northerly along the channel called Portland Channel as far as the point where this channel terminates in the interior of the mainland (terre ferme) at the fifty-sixth degree of north latitude. From this point it shall be carried along the coast, in a direction parallel to its sinuosities, as far as the one hundred and thirty-ninth degree of west longitude (same meridian); and from there the boundary line between the respective possessions on the American continent shall be formed by the line of the said degree of longitude in its extension as far as the Arctic Ocean.

ARTICLE II.

The lisière (strip of territory) on the northwest coast belonging to Russia, from Portland Channel to the point of intersection of the 139° of west longitude (meridian of Greenwich), shall not be wider on the continent than 10 marine leagues from the shore of the sea.

ARTICLE III.

It is agreed—

1. That in the possessions of the two powers, as they are set forth in the preceding articles, and particularly as far as the 59° 30′ of north latitude but not beyond, their respective vessels and those of their subjects shall have during ten years, counting from the 5th (17th) of April, 1824, the reciprocal right of freely visiting the gulfs, havens, and creeks in portions of the islands and coasts which may not be occupied by establishments, either Russian or British, for the purposes of fishery and of commerce with the natives of the country.

2. That wherever there may be an establishment of one of the high contracting parties the subjects of the other shall not land without permission of the governor or the authority in charge of the place, except in cases of accident or of storm.

3. That the above named liberty of commerce shall not include the trade in spirituous liquors, in firearms, side arms, gunpowder, or other warlike stores; all which articles the high contracting powers reciprocally engage not to permit to be sold by their respective subjects to the natives of the northwest coast or islands of America.

4. That on the strip of the said coast indicated in Article II of the present convention as belonging to Russia the subjects of His Britannic Majesty shall forever enjoy the free navigation of the rivers, whether they inhabit the interior of the continent or whether they wish to reach the same from the Pacific Ocean by means of these rivers.

5. That the Port of Sitka or Novo-Archangelsk shall be opened during ten years to foreign commerce, and that at the expiration of this period this privilege shall be renewed according to the convenience of Russia.

ARTICLE IV.

No establishment shall, in future, be formed by the subjects of His Britannic Majesty within the limits of the Russian possessions designated in Articles I and II, and, in the same way, none shall be formed by the subjects of His Majesty the Emperor of all the Russias outside of the said limits.

ARTICLE V.

The high contracting parties stipulate further that their respective subjects shall freely navigate on all the extent of the Pacific Ocean, as well in the north as in the south, without any hindrance whatever, and that they shall enjoy the right of fishing on the high seas, but that such right shall never be exercised except at the distance of 2 marine leagues from either the British or Russian coasts or possessions.

ARTICLE VI.

His Majesty the Emperor of all the Russias, wishing to give a special proof of his regard for the interests of the subjects of His Britannic Majesty, and to make more effective the success of the enterprises which may result in discovering a passage north of the American continent, consents to extend the freedom of navigation mentioned in the preceding article, under the same conditions, to Bering Strait and the sea lying north of that strait.

ARTICLE VII.

Russian and British ships navigating the Pacific Ocean and the above-mentioned sea, which may be forced through stress of weather or on account of damage to take refuge in the respective ports of the high contracting parties, shall be at liberty to refit therein, provide themselves with all necessary stores, and put to sea again without the payment of any duties except port and light-house dues, which shall be fixed for them at the same amounts as those paid by national vessels.

On such occasions the masters of the ships, whether Russian or British, shall be under the necessity of conforming to the laws, ordinances, and tariffs in force in the port where they may have landed.

ARTICLE VIII.

In all cases of complaint as to infractions of the articles of the present agreement, the public officers and functionaries on both sides shall refrain from all violence and forcible measures, and shall render an exact account of the affair and the circumstances thereof to their respective courts, which shall arrange the matter in a friendly way and according to the principles of mutual justice.

ARTICLE IX.

The present convention shall be ratified and the ratifications shall be exchanged within the period of ——— months, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at St. Petersburg, the ———, 1824.

Count Nesselrode to Count Lieven.

PENZA, *August 31, 1824.* (Sent Sept. 13, 1825.)

Par sa dépêche No. 96, V. E. m'avait tranmis un office que lui avait adressé Mr. Canning après avoir discuté avec Elle les questions de limites et de juridiction maritime qu'il s'agissait de résoudre entre la Russie et l'Angleterre sur la côte Nord-Ouest de l'Amérique.

Dans cet office Mr. Canning appréciant les dernières propositions que nous avions faites à Sir Charles Bagot, vous annonçait, Mr. le Comte, qu'elles seraient acceptées, sauf quelques nuances et quelques clauses additionnelles qui ne changeraient en rien le fond de nôtre projet d'arrangement.

Ces clauses devaient consister dans la définition plus précise de la lisière que nous posséderions sur le continent Américain, dans la fixation d'un dégré de longitude plus occidental, à partir du Mont St. Elie, et dans la libre navigation des fleuves, mers, détroits et anses que comprendraient les domaines de S. M. I.

Comme nous avions deja declaré antérieurement que l'oukase du 4/16 Septembre, 1821, ne s'exécuterait pas en ce qui concernait l'étendue de cent milles en mer dont il interdisait la navigation aux vaisseaux étrangers, que d'une autre part nous nous étions empressés nous-mêmes, d'offrir aux sujets de S. M. B. dans nos négociations avec Sir

Charles Bagot, la liberté de descendre et de remonter tous les fleuves qui traverseraient notre territoire sur la côte N. O.; il nous parût que les modifications désirées par Mr. Canning, ne donneraient lieu à aucune difficulté et nous nous flattions qu'aussitôt que l'Ambassadeur d'Angleterre recevrait des instructions définitives, nous pourrions conclure avec lui une transaction également conforme aux droits et aux intérêts des deux Puissances.

Notre confiance nous semblait d'autant plus fondée que Sir Charles Bagot nous avait d'éclaré à plusieurs reprises, et que Mr. Canning répétait dans son office ci-dessus mentionné,[a] que l'Angleterre se bornerait à demander pour son commerce dans ces parages, les priviléges que la Russie accorderait ou qu'elle aurait accordés à d'autres nations. Ce point devait donc, suivant toute probabilité, être aussi facile à régler que les autres.

Cependant trois mois s'écoulèrent sans que les instructions du Plénipotentiaire de la Cour de Londres, lui fussent expédiées, et lorsqu'elles arrivèrent enfin par l'intermédiaire de Mr. Ward quelques jours avant notre départ, nous trouvâmes, à notre grand regret, qu'elles consistaient en un projet de Convention, qui sous plusieurs rapports très essentiels étaient bien loin de remplir notre attente.

Vous en avez pris, M. le Comte, une lecture rapide, mais pour que vous puissiez mieux le juger je vous en adresse une copie. J'ai consigné dans des notes marginales quelques remarques de détail et je me réserve de vous développer dans cette dépêche les observations les plus importantes, celles qui regardent des clauses qu'il nous est complétement impossible d'admettre.

Elles sont au nombre de trois. 1°. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels de pays à perpétuité sur toute cette partie de la côte qui forme le sujet de la discussion et qui s'étend du 59° de latitude Nord au 54° 40′.

2°. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays pendant dix ans sur une autre partie de nos côtes et de nos îles depuis le 59° de latitude Nord jusqu'au détroit de Behring.

3°. L'ouverture à perpépuité du port de Sitka ou Novo-Archangelsk.

ad 1°. Le projet de Convention du Cabinet de Londres ne s'exprime pas avec une précision parfaite sur cet article et ce sont nos explications verbales abec Sir Charles Bagot qui nous ont appris que l'Angleterre réclamait le droit de chasse, de pêche et de commerce à perpétuité dans cette portion des domaines de la Russie, mais ces explications ont été si positives qu'elles ne nous ont laissé aucun doute sur les désirs du Cabinet Britannique.

Pour savoir si nous n'avions pas lieu d'en être étonnés et s'il nous est possible d'y condescendre, il suffit de relire d'un côté le passage de l'office de Mr. Canning, que j'ai cité plus haut, et de jeter les yeux de l'autre sur notre Convention avec les États-Unis.

Le principal Secrétaire d'État de S. M. B. Vous a déclaré officiellement et par écrit que l'Angleterre réclamerait de notre part des privilèges de commerce semblables à ceux que nous accorderions à d'autres Puissances. Or les États Unis sont la seule Puissance à laquelle nous en ayons jamais accordé et ceux que nous leur avons garantis par la Convention du 5/17 Avril de l'année courante ne doivent durer que dix ans.

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[a] See Note A.

Nous satisferions donc aux demandes que l'Angleterre elle même nous à ennoncées, en lui garantissant pour le même espace de tems, les mêmes privilèges. Comment pourrions-nous d'ailleurs consentir, sous ce rapport en faveur des sujets Britanniques, à des prérogatives que nous venons de refuser aux sujets Américains. Les sujets Britanniques, nous ne saurions trop le répéter, n'ont jamais poussé ni leurs établissemens ni leurs opérations de commerce jusqu'à la côte N. O. Le témoignage des cartes les plus récentes publiées en Angleterre révèle et démontre ce fait. Si les Compagnies de la Baie d'Hudson et du N. O. approchent de la côte ce n'est que depuis trios ans à peine, tandis que les sujets Américains ont constamment fréquenté ces parages et ce sont leurs entreprises qui ont fait naître les discussions que nous travaillons à terminer. Nous serait-il possible après cela, quand même nos intérêts nous le permettraient, de leur donner pour dix ans ce que nous donnerions à perpétuité aux sujets Britanniques.

Nous avons bien voulu supposer que malgre une prise de possession formelle, une longue occupation des points principaux, une exploitation paisible des sources de revenu et de richesse qu'offrent les contrées dont il s'agit les droits de souveraineté de la Russie jusqu'au 51° de latitude Nord pouvaient être la matiére d'un doute. Nous les avons bornés en conséquence au 54° 40′ et pour qu'il ne pût s'élever à cet égord aucune réclamation nouvelle, nous avons permis que sur toute l'étendue de côte où nos droits avaient été contestés, une des Puissances avec laquelle nous étions en litige, partageât pendant dix ans les bénéfices de la chasse, de la pêche et due commerce avec les indigènes. Nous offrons les mêmes avantages à l'Angleterre, mais les accorder a perpétuité, ce serait n'obtenir la reconnaissance de nos titres de souveraineté que por en abdiquer l'exercice, ce serait consentir à ne posséder désormais que de nom ce que nous possédons de fait aujourd'hui.

Le Ministère Anglais sera frappé de ces considérations, et nous osons croire que dés lors il réduira les demandes renfermées dans son projet de Convention touchant les privilèges de commerce, aux termes de ses déclarations antérieures.

Ad. 2. Outre la faculté de faire la chasse, la pêche et le commerce à perpétuité sur la partie de la côte N. O. qui nous appartiendrait depuis le 54° 40′ de latitude Nord jusqu'au 59°, le Cabinet de St. James selon le sens que Sir Charles Bagot attachait à ses propositions, réclama la même faculté pour dix ans sur la côte et les îles qui s'étendent du 59° au détroit de Behring.

Ici nous citerons encore l'office que Mr. Canning vous a adressé, M. le Comte, en date du 29 Mai.[a] Il y est dit que l'Angleterre demanderait le libre usage de tous les fleuves qui traverseraient la lisière de côte appartenante à la Russie, et de toutes les mers, détroits, baies, etc., etc., qui se trouveraient dans ses domaines. * * * Quelques lignes plus bas l'office du principal Secrétaire d'Etat ajoute qu'il regarde comme entendu et stipulé que la Russie retire toutes les prétensions exclusives qu'elle avait mises en avant dans l'oukase de 1821, rélativement à la navigation et à la juridiction de l'Océan Pacifique du Nord. Quand on compare ces deux demandes qui se suivent de si près et qui s'expliquent et se complettent pour ainsi dire, l'une par l'autre, il est difficile d'y trouver autre chose que la libre navigation des eaux et des

[a] See Note B.

mers qui baigneraient les possessions de la Russie. Or cette liberté, nous nous sommes toujours montrés prêts à la garantir. Des ordres différens de la teneur de l'oukase du 4/16 Septembre 1821, ont été expédiés à nos croisières dès l'ouverture des pourparlers, et nous nous engagerions volontiers par des stipulations formelles à laisser désormais les vaisseaux étrangers naviguer sans entraves sur toute l'étendue de l'Océan Pacifique Septentrional, en circonscrivant l'exercice de nos droits de juridiction maritime à la distance de deux lieues marines de nos établissemens et de nos côtes jusques et y compris le détroit de Behring, comme le propose le projet de Convention envoyé par le Cabinet de St. James, mais quant à la chasse, à la pêche et au commerce avec les naturels du pays nous ne pouvons nous empêcher d'établir une distinction importante.

Les titres de souveraineté de la Russie sur la côte N. O. lui ont été disputés à partir du 59° de lat. N. En conséquence depuis ce degré jusqu'à la parallèle qui formerait nôtre limite meridionale, nous nous sommes empressés d'offrir des avantages particuliers aux Puissances avec lesquelles nous étions en discussion. Nous avons accordé pour dix ans aux Américains le droit de pêche de chasse et de commerce avec les naturels du pays et nous souscirons la même concession en faveur des sujets de S. M. B. mais il doit être bien entendu que cette concession ne comprendra que l'espace renfermé entre le 59° et la limite méridionale de notre territoire c. à. d. le 54° 40′, car au nord du 59° les titres de souveraineté de S. M. I. n'ont jamais été mis en doute, non seulement dans aucun écrit officiel, mais encore dans aucun des articles que les feuilles d'Angleterre et d'Amérique ont publiés sur cette question. Pour peu qu'on veuille peser une circonstance aussi décisive prétendra-t-on que nous placions sur la même ligne les domaines disputés et ceux qui ne le sont pas, que nous nous soumettions pour les uns et les autres aux mêmes sacrifices que nous excitions les justes alarmes de notre Compagnie Américaine et qu'en ouvrant la chasse la pêche et le commerce avec les naturels du pays pour dix ans, nous exposions à une ruine totale des établissemens dont le nombre augmente de jour en jour dans des contrées qui nous appartiennent à tous les titres, qu'assurent une première découverte, une occupation immédiate et réelle qui comte près d'un siécle, et une possession paisible contre laquelle aucune Puissance n'a jamais réclamé. Certes dans cette partie de ses domaines la Russie a bien le droit de ne prendre pour guide de ses réglemens de commerce que ses propres besoins et ses propres convenances. Elle a bien le droit d'y recueillir librement tous les profits de la chasse et de la pêche et sauf à respecter et à observer les principes généraux des lois qui prononcent sur les rapports réciproques des nations, elle est maitresse d'y adopter toutes les mesures qu'elle juge utiles ou nécessaires.

C'est ainsi qu'elle ne saurait consentir à y admettre la concurrence des commerçans chasseurs ou pêcheurs étrangers, mais qu'en interdisant le commerce, la chasse et la pêche elle n'interdira nullement la navigation et qu'elle bornera l'exercice de sa juridiction maritime à deux lieues marines de ses côtes et de ses iles.

ad 3^{m}. La troisième clause à laquelle nous ne saurions consentir dans le projet de Convention Britannique, concerne l'ouverture à perpétuité du port de Sitka ou Novo-Archangelsk.

C'est nous mêmes qui dans nos négociations avec Sir Charles Bagot avons annoncé que le Port de Sitka serait ouvert aux vaisseaux et au

commerce étrangers. Nous persistons dans nos intentions à cet égard mais il nous est impossible de contracter un engagement indéfini, de nous lier les mains pour un avenir sans bornes. Nous pourrions garantir que le Port de Sitka ne serait pas fermé de dix ans, et au bout de dix ans il est probable que nous y laisserions subsister les réglemens que nos y aurions introduits. Aller plus loin serait de nôtre côté un acte d'imprévoyance. Des conjonctions innatendues pourraient nous forcer à révoquer ou à modifier ces privilèges. C'est une latitude que tout Gouvernement doit se réserver en pareille occasion. Nous ne voyons pour nous aucune obligation d'y renoncer et nous n'y renoncerions pas sans nous exposer à de graves inconvéniens. Nous ne saurions donc dans cette circonstance signer de stipulacion perpétuelle.

Tels sont Mr. le Comte, les trois points du projet de Convention Britannique, que l'Empereur n'a pas trouvés admissibles. Toutes les autres propositions de la Cour de Londres ont été acceptées et nous avons remis à Sir Charles Bagot le contre projet ci-joint. Ses instructions étaient trop précises pour qu'il put consentir à des modifications. La seule dont il nous ait parlé, se réduisait à stipular l'ouverture du Port du Sitka pour vingt ans, terme qui est encore trop long. Il ne nous est donc resté que la voie des explications directes et nous nous plaisons à espérer qu'elles ne seront pas infructueuses.

Notre contre projet reporte nos limites du 51 degré de Lat. N. au 54° 40′. Il laisse aux établissemens que les Compagnes Anglaises pourront former un jour sur la côte N. O. tout la territoire situé au midi du Portland Channel. Il supprime la désignation des montagnes pour limites de la lisière de terre ferme que la Russie posséderait sur le continent Américain, et borne la largeur de cette lisière à dix lieues marines d'après le desir de l'Angleterre. D'après son désir encore, il ouvre aux sujets Britanniques la navigation de tous les fleuves qui traverseraient cette lisière, enfin il leur assure des advantages égaux à ceux qu'ont obtenus les sujets des Etats-Unis, et il annulle de fait l'oukase du 4–16 Septembre, 1821, en déclarant d'une part que nous n'exercerons de juridiction maritime qu'à deux lieues de nos côtes et de nos iles sur toute l'étendue de nos possessions, et en stipulant d'une autre, qu'aucune entrave ne sera mise ni à la libre navigation de l'Océan Pacifique, ni même au libre passage du détroit de Behring.

Dans une negociation qui devait avoir pour base le principe des convenances réciproques nous croyons qu'il était difficile de respecter plus scrupuleusement toutes celles de l'Angleterre.

V. E. aura soin de faire apprécier à Mr. Canning nos vues et notre constante modération. Elle lui représentera avec quel empressment nous avons admis toutes les demandes de la Grande Brétagne qu'il nous était possible d'admettre, combien nous avons lieu de nous attendre maintenant à une juste réciprocité, combien notre projet est conforme aux déclarations renfernées dans l'office du principal Secrétaire d'Etat de S. M. B. en date du 29 Mai, et combien il serait utile en adoptant ce contre projet (car nous ne saurions pousser plus loin nos sacrifices), de terminer entre les deux Gouvernemens des discussions toujours fâcheuses et dont on étoufferait jusqu'au dernier germe.

V. E. est authorisée a donner lecture et copie de la présente dépêche a Mr. Canning, et dans vos entretiens avec ce Ministre vous pourrez, Mr. le Comte, ajouter l'observation que par notre Traité avec les Etats-Unis en date du $\frac{5}{17}$ Avril, nous n'avons jamais entendu leur accorder le droit de chasse, de pêche et de commerce avec les indigènes

pour dix ans, que dans celles de nos possessions que nous avait été contestées ou en d'autres termes dans l'espace compris entre le 54° 40′ et le 59° 30′ de Latitude Septentrionale.

NOTE A.—At this point is the following marginal note:

"It can hardly be expected that we should not also put in our claim for the *like privileges of trade as are or may be stipulated with Russia by any other nation.*" (Office de Mr. Canning au Comte de Lieven en date du 29 Mai 1824.)

NOTE B.—At this point is the following marginal note:

"In precise and positive stipulation for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas which the limits assigned to Russia may comprehend * * * and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the ukase of September, 1821, are to be altogether withdrawn." (Office de Mr. Canning au Comte de Lieven en date du 29 Mai, 1824.)

[Translation.]

Count Nesselrode to Count Lieven.

PENZA, *August 31, 1824.* (Sent Sept. 13/25.)

In your despatch No. 96, your excellency sent me a memorandum which Mr. Canning had addressed to you, after discussing with you the questions of boundary and maritime jurisdiction which were to be settled between Russia and England on the northwest coast of America.

In that memorandum, Mr. Canning, in discussing the last propositions which we had made to Sir Charles Bagot, informed you, M. le Comte, that they would be accepted, with the exception of some shades of difference and some additional clauses, which would not change in the least the substance of our draft of settlement.

These clauses were to consist of a more exact description of the strip which we were to possess on the American continent, the selection of a degree of longitude more to the west, beginning at Mount St. Elias, and the free navigation of the rivers, seas, straits, and bays which the dominions of H. I. M. might contain.

As we have already declared previously that the ukase of September 4 (16), 1821, would not be executed so far as related to the sea limit of 100 miles within which it prohibited the navigation of foreign vessels; as, on the other hand, we ourselves had hastened to offer to the subjects of His Britannic Majesty, in our negotiations with Sir Charles Bagot, liberty to descend and to ascend all the rivers which might cross our territory on the northwest coast, it seemed to us that the modifications desired by Mr. Canning would not involve any difficulty, and we flattered ourselves that so soon as the English ambassador should receive final instructions we could conclude with him an arrangement equally conducive to the rights and the interests of both powers.

Our confidence seemed the better founded in that Sir Charles Bagot had declared to us on several occasions, and Mr. Canning repeated in his memorandum mentioned above,[a] that England would confine herself to asking for her commerce in those waters the privileges which Russia might grant or which she might have granted to other nations. This point ought, therefore, according to all probability, to be as easy to settle as the others.

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[a] See Note A.

Nevertheless, three months elapsed before the instructions of the plenipotentiary of the Court of London were sent to him, and when, at last, they arrived, by the hands of Mr. Ward, a few days before our departure, we found, to our great regret, that they consisted of a draft of a convention which, in several very essential points, was very far from meeting our expectations.

You have read it rapidly, M. le Comte, but in order that you may form a better estimate of it I send you a copy. I have made, in some marginal notes, some remarks as to minor points, and I reserve to myself the duty of making, in this dispatch, the most important observations, those concerning clauses which it is utterly impossible for us to accept.

They are three in number:

1. Liberty to English subjects to hunt, to fish, and to trade with the natives of the country, perpetually, on the whole of that part of the coast which constitutes the subject of the discussion, and which extends from 59° of north latitude to 54° 40′.

2. Liberty to English subjects to hunt, to fish, and to trade with the natives of the country for ten years on another part of our coasts and islands, from 59° north latitude to Bering Strait.

3. The permanent opening of the port of Sitka or Novo-Archangelsk.

As to the first: The draft of convention of the cabinet of London does not express itself with perfect precision upon this article, and it was only through our oral conversations with Sir Charles Bagot that we learned that England demanded the right to hunt, to fish, and to trade, forever, in that part of the dominion of Russia; but those explanations were so positive that they left us in no doubt as to the wishes of the British cabinet.

In order to know whether we had no reason to be surprised at it, and whether it is possible for us to grant it, it suffices to read again, on the one hand, the passage from Mr. Canning's memorandum which I cited above, and, on the other hand, to glance at our convention with the United States.

The chief secretary of state of His Britannic Majesty has declared to you officially and in writing that England would ask of us commercial privileges similar to those which we might grant to other powers. Now, the United States is the only power to which we have ever granted any, and those which we have guaranteed to her by the convention of April 5 (17) of the present year are to last only ten years.

We would, therefore, satisfy the demands which England herself has presented to us by guaranteeing the same privileges to her for the same space of time. Besides, how could we consent to grant to British subjects privileges of this kind which we have just refused to American subjects. The British subjects, and we can not repeat this too often, have never pushed either their establishments or their commercial operations as far as the northwest coast. The evidence of the latest maps published in England reveals and proves this fact. If the Hudson Bay and the Northwest companies have approached the coast it is only within the last three years, whereas the American subjects have constantly frequented these waters, and it is their enterprises that have given rise to the discussions which we are laboring to terminate. Would it be possible for us, after this, even if our interests permitted it, to give them for ten years [only] what we would give forever to the British subjects?

We have been willing to suppose that, in spite of a formal taking possession, a long occupation of the principal points, and a peaceful exploitation of the sources of revenue and wealth presented by the countries in question, Russia's rights of sovereignty to the fifty-first degree of north latitude might be the subject of a doubt. We have, consequently, confined them to the 54° 40′, and, to prevent any new dispute from arising on this point, we have permitted one of the powers with which we were in litigation to share for ten years, on the whole extent of the coast where our rights had been disputed, the profits of hunting, fishing, and trading with the natives. We offer the same advantages to England; but to grant them forever would be to obtain the recognition of our rights of sovereignty only to abandon the exercise of them. It would be consenting to possess hereafter only in name what we now possess in fact.

The English ministry will be struck by these arguments and we venture to believe that it will then bring back to the terms of its previous declarations the demands contained in its draft of convention with regard to commercial privileges.

As to 2: Besides the right to hunt, to fish, and to trade forever on that part of the northwest coast which would belong to us from 54° 40′ of north latitude to 59°, the cabinet of St. James, according to the meaning which Sir Charles Bagot attached to its propositions, demanded the same right for ten years on the coast and islands extending from 59° to Bering Strait.

Here we will again cite the memorandum which Mr. Canning addressed to you, M. le Comte, under date of May 29.[a] It is there stated that England would demand the free use of all the rivers which might cross the strip of coast belonging to Russia, and of all the seas, straits, bays, etc., which might be within her dominions. * * * A few lines farther down the memorandum of the chief secretary of state adds that he considers it to be understood and agreed upon that Russia will withdraw all the exclusive claims which she had set up in the ukase of 1821 with respect to the navigation and jurisdiction of the North Pacific Ocean. When we compare these two demands, which follow each other so closely, and which, so to speak, explain and complete each other, with each other, it is difficult to find anything more in them than the free navigation of the waters and seas bathing the possessions of Russia. Now, we have always shown ourselves ready to guarantee this freedom [of navigation].

Orders differing from the tenor of the ukase of September 4 (16), 1821, were sent to our cruisers at the very opening of the negotiations, and we would willingly engage, by formal stipulations, to allow foreign vessels hereafter to navigate the whole extent of the North Pacific Ocean, without let or hindrance, confining the exercise of our rights of maritime jurisdiction to the distance of 2 marine leagues from our establishments and our coasts, up to and including Bering Strait, as the draft convention sent by the cabinet of St. James proposes; but as to hunting, fishing, and trading with the natives of the country, we can not avoid making an important distinction.

Russia's rights of sovereignty over the northwest coast, beginning at 59° of north latitude, have been disputed. Hence, between that degree and the parallel which would form our southern boundary, we hastened

[a] See Note B.

to offer special advantages to the powers with which we were in dispute. We granted to the Americans for ten years the right to fish, to hunt, and to trade with the natives of the country, and we will make the same concession in favor of the subjects of His Britannic Majesty; but it must be well understood that this concession will only comprise the space inclosed between latitude 59° and the southern boundary of our territory, to wit, latitude 54° 40′, for to the north of the fifty-ninth degree His Imperial Majesty's rights of sovereignty have never been questioned, not only in no official document, but in none of the articles which the English and American newspapers have published on this subject.

If any weight is attached to such a decisive fact as this, will it be asked that we shall place the disputed and the undisputed territory on the same footing; that we shall submit to the same sacrifices for both; that we shall arouse the just alarm of our American company, and that by throwing open for ten years the hunting, the fishing, and the trade with the natives of the country, we shall expose to total ruin establishments which are increasing in number every day, in regions which belong to us by every title that can be conferred by a first discovery, an immediate and actual occupation of more than a century, and a peaceful possession against which no power has ever protested? Assuredly, in this part of her dominions, Russia has certainly the right to be guided in the enactment of her commercial regulations only by her own needs and her own convenience. She has certainly the right there to reap freely all the profits of the hunting and fishing, and, provided she respects and observes the general principles of the laws governing the mutual relations of nations, she is at perfect liberty to adopt there all such measures as she may deem useful or necessary.

For these reasons she can not consent to permit there the competition of foreign traders, hunters, or fishermen; but, while prohibiting trading, hunting, and fishing, she will by no means prohibit navigation, and she will confine the exercise of her maritime jurisdiction to 2 marine leagues from her coasts and her islands.

As to 3: The third clause, to which we can not consent in the British draft convention, relates to the opening forever of the port of Sitka or Novo-Archangelsk.

We ourselves, in our negotiations with Sir Charles Bagot, announced that the port of Sitka would be open to foreign vessels and commerce. We persist in our intentions in this particular, but it is impossible for us to contract an indefinite obligation, to bind our own hands for an unlimited future. We might guarantee that the port of Sitka should not be closed for ten years to come, and at the expiration of the ten years it is probable that we would allow the regulations which we had introduced there to continue. It would be an act of imprudence on our part to go any further. Unexpected conjunctures might compel us to revoke or to modify such privileges. This is a freedom of action that every Government ought to reserve to itself under similar circumstances. We see no obligation on our part to renounce it, and we could not renounce it without exposing ourselves to serious embarrassments. We can not, therefore, sign any perpetual stipulation on this point.

Such, M. le Comte, are the three points in the British draft convention that the Emperor has found inadmissible. All the other propositions of the Court of London have been accepted, and we have delivered to Sir Charles Bagot the inclosed counterdraft. His instructions

were too precise to permit him to consent to any changes. The only one of which he spoke to us was confined to the stipulation of the opening of the port of Sitka for twenty years, which period was still too long. There remained to us, therefore, only the channel of direct negotiations, and we take pleasure in hoping that they will not be fruitless.

Our counterdraft carries our boundary from the fifty-first degree of north latitude to 54° 40′. It leaves to the establishments which the English companies may form hereafter on the northwest coast all the territory situated to the south of Portland Channel. It abolishes the establishment of the mountains as the boundary of the strip of mainland which Russia would possess on the American Continent, and limits the width of this strip to 10 marine leagues, in accordance with the wishes of England.

Again, in accordance with her wishes, it opens to British subjects the navigation of all the rivers crossing this strip. Lastly, it secures to them advantages equal to those obtained by the subjects of the United States, and it virtually repeals the ukase of September 4 (16), 1821, by declaring, on the one hand, that we will exercise maritime jurisdiction only to the distance of 2 leagues from our coasts and from our islands, upon the whole extent of our possessions, and by stipulating, on the other hand, that no obstacles shall be placed in the way either of the free navigation of the Pacific Ocean or even of the free passage of Bering Strait.

In a negotiation which should have as its basis the accommodation of both parties, we think that it would be difficult to show greater respect to the wishes of England.

Your excellency will be careful to impress upon Mr. Canning our views and our constant moderation. You will represent to him with what alacrity we have granted all those demands of Great Britain that it was possible for us to grant, what good reason we have to expect a fair return from her now, how exactly our draft agrees with the declarations contained in the memorandum of the chief secretary of state of His Britannic Majesty, dated May 29, and how expedient it would be to put an end, by the adoption of this counterdraft (as we can not carry our sacrifices any further), to discussions between the two Governments, which are always disagreeable, and the very last germ of which would thereby be destroyed.

Your excellency is authorized to read this dispatch to Mr. Canning and to give him a copy of it, and in your conversations with that minister you may add, M. le Comte, the remark that, in our treaty of April 5 (17), with the United States, we only meant to grant her the right of fishing, hunting, and trading with the natives for ten years in those of our possessions that had been disputed, or, in other words, in the space comprised between latitude 54° 40′ and 59° 30′ north.

NOTE A.—At this point is the following marginal note.

"It can hardly be expected that we should not also put in our claim for the *like privileges of trade as are or may be stipulated with Russia by any other nation.*" (Memorandum of Mr. Canning to Count Lieven, dated May 29, 1824.)

NOTE B.—At this point is the following marginal note.

"In precise and positive stipulation for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas which the limits assigned to Russia may comprehend * * * and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean which were put forward in the ukase of September, 1821, are to be altogether withdrawn." (Mr. Canning's memorandum to Count Lieven, dated May 29, 1824.)

Explanations with regard to Contre-projet.

L'Angleterre persiste à exiger de la Russie la concessions suivantes

1° La libre navigation des baies anses &c. et *le droit de pêche et de chasse ainsi que le commerce direct avec les naturels du pays à perpétuité* sur toute cette partie de la côte N. O. qui forme le territoire contesté depuis le 54° 30′, jusqu'au 60° de latitude, sauf les restriction mentionnée dans notre Convention du 5/17 avril avec les Etats Unis, relativement aux armes à la poudre et aux liqueurs spiritueuses.

2° L'ouverture du port de *Novo Archangelsk à perpétuité.*

3° Le droit *pour le teme de dix ans* de naviguer dans les eaux qui baignent la même Côte *dupuis le 60° dégré de latitude N. Jusqu'au détroit de Behring* d'y faire la pêche et de *trafiquer avec les naturels du pays.*

La seule modification que Sir Charles Bagot semblât autorisé à admettre dans l'ensemble de ces prétentions se réduisait à limiter l'ouverture du port de Sitka au terme de 20 ans pourvû toutefois que ce terme fut plus long pour les anglais qu'il ne le serait pour les américains.

[Translation.]

Explanations with regard to Contre-projet.

England persists in demanding from Russia the following concessions:

1. The free navigation of the bays, gulfs, etc., and *the right to fish, to hunt, and to trade directly with the natives of the country forever*, on all that part of the northwest coast constituting the disputed territory, from latitude 54° 30′ to 60°, subject to the restrictions mentioned in our convention of April 5 (17) with the United States concerning arms, gunpowder, and spirituous liquors.

2. The opening of the port of *Novo-Archangelsk forever.*

3. The right, *for the period of ten years*, to navigate the waters bathing the said coast *from the sixtieth degree of north latitude to Bering Strait*, to fish there, and *to trade there with the natives of the country.*

The only modification that Sir Charles Bagot appeared to be authorized to admit in the whole of these demands was confined to limiting the opening of the port of Sitka to the term of twenty years, provided, however, that that term should be longer for the English than it was for the Americans.

Explanations with regard to Contre-projet.

(1) *Artler.*—Dans l'article correspondant les PP. de Russie ont suprimé les mots en exercent leur commerce parce qu'il leur a paru que cet article se rapportait principalement à la navigation en haute mer et qu'en haute mer il n'y a pas de commerce possible.

D'ailleurs tout ce qui concerne les relations commerciales se trouve reglé par d'autres articles.

(2) *Art. II.*—Cet article est le premier du contre projet Russe.

Comme dès l'ouverture des négociations l'exécution de l'oukase de 1821 avait été suspendu en ce qui regarde l'exercice de la juridiction maritime, la question territoriale était la plus essentielle que les deux Puissances eussent à résoudre.

C'est donc par définir les possessions respectives que nous commencions dan notre contre projet.

Les possessions une fois définies viennent naturellement les stipulations relatives aux droits qui s'y rattachent et aux privileges qui pourront y être exercés de part et d'autre.

A ces clauses succedent celles qui ont rapport à la navigation de l'océan pacifique et qui se rangent toutes sous le même chef.

L'ordre des matières gagne à ce système de rédation et il nous semble en général que l'économie de notre contre projet offrirait plus de clarté.

Nous avons du reste en changeant leurs places conservé tous les articles du projet Brittanique.

(3) Dans le premier paragraphe de cet article, comme dans l'art. II, nous avons supprimé toute mention des montagnes qui suivent les sinuosités de la côte. Elle devenait inutile du moment où l'un fixait en lieues marines la largeur de la lisière de terre ferme qui appartiendrait à la Russie.

(4, 5, et 6) Notre dépêche au Cte. de Lieven renferme toutes les explications nécessaires quant aux passages soulignés dans ces divers articles.

Tous les autres n'ont subi dans notre contre projet que des légers changemens de rédaction qui avaient pour but d'y rendre les stipulations encore plus précises et plus faciles à saisir dans leur vrai sens.

[Translation.]

Explanations with regard to Contre-projet.

(1) *Art. I.*—In the corresponding article the Russian plenipotentiaries have suppressed the words "in carrying on their commerce" ("en exerçant leur commerce"), because it appeared to them that this article related chiefly to navigation on the high seas, and that no commerce is possible on the high seas.

Besides, all that relates to commercial relations is settled in other articles.

(2) *Art. II.*—This is Article I of the Russian counter draft. As at the very opening of the negotiations the execution of the ukase of 1821 was suspended as to the exercise of the maritime jurisdiction, the territorial question was the most important that the two powers had to settle.

Hence, in our counter draft we began by defining the respective possessions.

The possessions having been once defined, the stipulations with regard to the rights attached to them, and the privileges which may be exercised in them by both parties, naturally come next.

These clauses are succeeded by those relating to the navigation of the Pacific Ocean, and which all fall under the same head.

The order of subjects gains by this method of arrangement, and it seems to us in general that the plan of our counter draft would present more clearness.

We have, however, while changing their places, retained all the articles of the British draft.

(3) In the first paragraph of this article, as in Article II, we have suppressed all mention of the mountains which follow the sinuosities of the coast. It became useless from the moment that one [of the articles] fixed the width of the strip of mainland which would belong to Russia in marine leagues.

(4, 5, and 6) Our dispatch to Count Lieven contains all the necessary explanations with regard to the passages underscored in these different articles.

All the others have undergone, in our counter draft, merely slight changes of language, which were intended to render the stipulations contained in them still more precise and more easy to understand in their true sense.

Mr. G. Canning to Count Lieven.

FOREIGN OFFICE, *September 12, 1824.*

M. LE COMTE: It is with great regret, and, I confess, with some surprise, that I have learnt from Sir Charles Bagot that your court have declined to conclude the treaty, the project of which was sent out by the Herald.

This refusal is the more unexpected, as the chief alterations made in the original "projet" were introduced here (as your excellency can bear witness) at the suggestion of the Russian plenipotentiaries themselves.

I have not yet had time to give sufficient consideration to the "contre-projet" now presented on the part of those plenipotentiaries to be enabled to say positively whether it can be accepted in all its parts. But I would fain hope that the differences between us may not be insurmountable. And I do most earnestly entreat your excellency to submit to your court, by your first messenger, the expediency of sending to your excellency instructions and full powers to conclude and sign the treaty here.

This will save three months. It will enable us to conclude before the meeting of Parliament. And I do assure your excellency that, after the expectations which have been so often held out to Parliament of a

speedy and satisfactory termination of the discussions respecting the ukase of 1821, I can not look forward without uneasiness to the disappointment of those expectations.

I know that the ukase is practically suspended; but we have no document to show that it is so; and we have, as your excellency knows, purposely abstained from requiring any, in the hope that the subject of the ukase would be merged in the larger arrangements respecting the northwest coast of America.

I write to Mr. Ward in the sense of this letter. And I most anxiously wish that no personal delicacy may prevent your excellency from repeating and enforcing my suggestion.

I have, etc.,

GEORGE CANNING.

Mr. G. Canning to Mr. Ward.

No. 5.] FOREIGN OFFICE, *September 13, 1824.*

SIR: Sir Charles Bagot's despatches of the 26th August were received here on the 9th instant, and have been laid before the King.

The only point on which I have to instruct you, in consequence of their arrival, is that of the refusal of the Court of St. Petersburgh to conclude and sign the treaty respecting the northwest coast of America.

Nothing could be less expected than this refusal, and the grounds of it are the more unsatisfactory, as part at least of the stipulations to which objection is taken was founded on suggestions of the Russian Plenipotentiaries themselves.

I do not, however, intend that you should enter into argument upon this subject with Count Nesselrode, or the minister to whom the *Portefeuille* may be intrusted in his absence. What you are to represent, and earnestly to urge with the Russian Government, is that they should send to Count Lieven instructions and full powers to conclude and sign the treaty here. By these means it will still be possible to bring it to a conclusion before the meeting of Parliament. And you will assure the Russian minister that this consideration weighs with us most particularly, because the hope and promise of some amicable and satisfactory arrangement touching the ukase of 1821 has been so often confidently held out to Parliament that we look forward with great anxiety to the discussions which might arise upon a fresh disappointment of those expectations.

I am, etc.,

GEORGE CANNING.

Count Lieven to Count Nesselrode.

LONDRES, *le 19 septembre/1 octobre 1824.*

MONSIEUR LE COMTE: La veille de son départ pour l'Irland, Mr. Canning m'a addressé la note ci-jointe, dans la quelle il expose les motifs qui font desirer au Gouvernement Britannique le transfert à Londres de la négociation relative aux possessions des deux Etats sur la côte Nord Ouest de l'Amérique.

En transmettant cette pièce en original a Votre Excellence, je ne saurais, Monsieur le Comte, qu'en référer l'objet à la considération du Ministère Impérial.

J'ai l'honneur, etc.

[Translation.]

Count Lieven to Count Nesselrode.

LONDON, *September 19/ October 1, 1824.*

MONSIEUR LE COMTE: The day before his departure for Ireland, Mr. Canning addressed me the inclosed note, in which he states the reasons which cause the British Government to desire the transfer to London of the negotiations relating to the possessions of the two States on the northwest coast of America.

In transmitting this document in the original to your excellency, I can only, Monsieur le Comte, refer the subject to the consideration of the Imperial Ministry.

I have the honor, etc.

Mr. G. Canning to Mr. S. Canning.

No. 1.] FOREIGN OFFICE, *December 8, 1824.*

SIR: His Majesty having been graciously pleased to name you his plenipotentiary for concluding and signing with the Russian Government a convention for terminating the discussions which have arisen out of the promulgation of the Russian ukase of 1821, and for settling the respective territorial claims of Great Britain and Russia on the northwest coast of America, I have received His Majesty's commands to direct you to repair to St. Petersburg for that purpose, and to furnish you with the necessary instructions for terminating this long protracted negotiation.

The correspondence which has already passed upon this subject has been submitted to your perusal, and I inclose to you a copy—

1. Of the "projet" which Sir Charles Bagot was authorized to conclude and sign some months ago, and which we had every reason to expect would have been entirely satisfactory to the Russian Government.

2. Of a "contre-projet" drawn up by the Russian plenipotentiaries, and presented to Sir Charles Bagot at their last meeting before Sir Charles Bagot's departure from St. Petersburg.

3. Of a dispatch from Count Nesselrode, accompanying the transmission of the "contre-projet" to Count Lieven.

In that dispatch, and in certain marginal annotations upon the copy of the "projet," are assigned the reasons of the alterations proposed by the Russian plenipotentiaries.

In considering the expediency of admitting or rejecting the proposed alterations, it will be convenient to follow the articles of the treaty in the order in which they stand in the English "projet."

You will observe, in the first place, that it is proposed by the Russian plenipotentiaries entirely to change that order, and to transfer to the latter part of the instrument the article which has hitherto stood first in the "projet."

To that transposition we can not agree, for the very reason which Count Nesselrode alleges in favor of it, viz, that the "économie" or arrangement of the treaty ought to have reference to the history of the negotiation.

The whole negotiation grows out of the ukase of 1821.

So entirely and absolutely true is this proposition that the settlement of the limits of the respective possessions of Great Britain and Russia on the northwest coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the ukase by enabling the court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretensions of that edict.

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the continent of America, but the pretensions of the Russian ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

You will therefore take care, in the first instance, to repress any attempt to give this change to the character of the negotiation, and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British nation attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible) of the effect of the ukase of 1821.

That this ukase is not acted upon, and that instructions have been long ago sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions, is true; but a private disavowal of a published claim is no security against the revival of that claim. The suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negotiation that the Russian claim to the possession of the coast of America down to latitude 59 rests in fact on no other ground than the presumed acquiescence of the nations of Europe in the provisions of an ukase published by the Emperor Paul in the year 1800, against which it is affirmed that no public remonstrance was made, it becomes us to be exceedingly careful that we do not, by a similar neglect, on the present occasion allow a similar presumption to be raised as to an acquiescence in the ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacific can not be held as matter of indulgence from any power. Having once been publicly questioned, it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the ukase of 1821; but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the convention in the place which properly belongs to it, as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the convention concluded between Russia and the United States of America, and we see no reason why upon similar claims we should not obtain exactly the like satisfaction.

For reasons of the same nature we cannot consent that the liberty of navigation through Berings Straits should be stated in the treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and on that of the whole civilized world, protest.

No specification of this sort is found in the convention with the United States of America, and yet it can not be doubted that the Americans consider themselves as secured in the right of navigating Bering Straits and the sea beyond them.

It can not be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course after all will be to substitute, for all that part of the "projet" and "counter-projet" which relates to maritime rights and to navigation, the first two articles of the convention already concluded by the Court of St. Petersburg with the United States of America in the order in which they stand in that convention.

Russia can not mean to give to the United States of America what she withholds from us; nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulations in pari materia gives clearness and force to both arrangements, and will establish that footing of equality between the several contracting parties which it is most desirable should exist between three powers whose interests come so nearly in contact with each other in a part of the globe in which no other power is concerned.

This therefore is what I am to instruct you to propose at once to the Russian minister as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article I of the "projet" and of Articles V and VI of the "contre-projet."

The next articles relate to the territorial demarcation, and upon them I have only to make the following observations:

The Russian plenipotentiaries propose to withdraw entirely the limit of the lisiere on the coast, which they were themselves the first to propose, viz, the summit of the mountains which run parallel to the coast, and which appear, according to the map, to follow all its sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition.

We can not agree to this change. It is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wished to guard was that which you know and can thoroughly explain to the Russian plenipotentiaries to have existed on the other side of the American Continent, when mountains laid down in a map as in a certain given position, and assumed in faith of the accuracy of that map as a boundary between the possessions of England and the United States turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussions. Should the maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give, and they only intended to ask, a strip of seacoast.

To avoid the chance of this inconvenience we proposed to qualify the general proposition "that the mountains should be the boundary, with the condition if those mountains should not be found to extend beyond 10 leagues from the coast." The Russian plenipotentiaries now propose to take the distance invariably as the rule. But we can not consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and, this being

their own original proposition, the Russian Plenipotentiaries can not reasonably refuse to adhere to it.

Where the mountains are the boundary, we are content to take the summit instead of the "seaward base" as the line of demarcation.

I omitted in my last instructions to Sir Charles Bagot, though I had signified to Count Lieven, that I intended to require a small extension of the line of demarcation from the point where the lisière on the coast terminates in latitude 59 to the northward. The extension required is from 139° to 141° west longitude, the latter being the parallel which falls more directly on Mount Elias.

With regard to the port of Sitka, or New-Archangel, the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for ten years, provided only that if any other nation obtains a more extended term the like term shall be extended to us also.

We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of article 4 of the American convention.

These, I think, are the only points in which alterations are required by Russia. And we have no other to propose.

A "projet" such as it will stand according to the observations of this dispatch is inclosed, which you will understand as furnished to you as a guide for the drawing up of the convention, but not as prescribing the precise form of words nor fettering your discretion as to any alterations not varying from the substance of these instructions.

It will of course strike the Russian plenipotentiaries that by the adoption of the American article respecting navigation, etc., the provision for an exclusive fishery of 2 leagues from the coasts of our respective possessions falls to the ground.

But the omission is in truth immaterial.

The law of nations assigns the exclusive sovereignty of 1 league to each power on its own coasts, without any specific stipulation, and though Sir Charles Bagot was authorized to sign the convention with the specific stipulation of 2 leagues, in ignorance of what had been decided in the American convention, at the time, yet, after that convention has been some months before the world, and after the opportunity of consideration has been forced upon us by the act of Russia herself, we can not now consent, in negotiating de novo, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contrast between the United States and us to our disadvantage.

Count Nesselrode himself has frankly admitted that it was natural that we should expect, and reasonable that we should receive, at the hands of Russia, equal measure, in all respects, with the United States of America.

It remains only in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is *not* on our part essentially a negotiation about limits.

It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice

may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility, we must oppose.

If the present "projet" is agreeable to Russia, we are ready to conclude and sign the treaty.

If the territorial arrangements are not satisfactory, we are ready to postpone them, and to conclude and sign the essential part, that which relates to navigation alone, adding an article stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question, and if Russia will neither sign the whole convention nor that essential part of it she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretentions of the ukase of 1821, and of effectually securing our own interests against the possibility of its future operation.

I am, etc.,

GEORGE CANNING.

Mr. S. Canning to Mr. G. Canning.

No. 13.] ST. PETERSBURG, *February 1 (13), 1825.*
(Received March 2.)

SIR: I avail myself of the return of the messenger Meates to inform you that yesterday evening I had my first conference with the Russian plenipotentiaries, Count Nesselrode and M. de Poletica.

After mutually communicating our full powers, those of the Russian plenipotentiaries being the same which were exhibited to Sir Charles Bagot, I stated that the "projet" which I was prepared to give in, agreeably to your instructions, respecting the differences growing out of the imperial ukase of September, 1821, would be found to contain fresh proofs of the conciliatory spirit in which His Majesty's Government had directed this negotiation, that it was now time to bring the negotiation, either in one way or another, to its final conclusion, and, with this view, His Majesty's ministers, in empowering me to offer a new "projet," had gone at once to the utmost extent of concession, justified by their sense of duty, in order to remove the objections of the Russian Government.

On reading the "projet" some difficulties were started and some discussion took place; but I hold it unnecessary to trouble you with a more particular account of this conference as the Russian plenipotentiaries were not then prepared to express any decided opinion as to those parts of the "projet" which do not entirely come up to their proposals, and I have expressly reserved to myself the liberty of recording my explanations in an official shape in the event of their persisting to object to any essential part of its contents.

Count Nesselrode said that he hoped to be ready with his answer in the course of a week. The Emperor's being again at Czarskoe-Zelo for two or three days may possibly occasion some delay.

I have, etc.,

STRATFORD CANNING.

Contre-projet submitted by Stratford Canning February 1 (13), 1825.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irelande, et Sa Majesté l'Empereur de toutes les Russies desirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui regleroit d'après les principes de convenance réciproque, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord Ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet; savoir,

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irelande, ——— ——— et Sa Majesté l'Empereur de toutes les Russies ——— ——— lesquels Plénipotentiaires après s'être communiqués leurs plein pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les articles suivants:

ARTICLE I.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacific, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la Navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux Côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le Commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

ARTICLE II.

Dan la vue d'empêcher que les droits de Navigation et de pêche exercées sur le Grand Océan par les Sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un Commerce illicite, il est convenu que les Sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un Etablissement Russe sans la permission du Gouverneur ou Commandant; et que réciproquement les Sujets Russes ne pourront aborder sans permission à aucun Etablissement Britannique sur la Côte Nord Ouest.

ARTICLE III.

La ligne de démarcation entre les Possessions des Hautes Parties Contractantes situées sur le Continent et les Iles de l'Amérique Nord Ouest sera tracée ainsi qu'il suit:

Commençant du point le plus Méridional de l'Isle dite *Prince of Wales*, lequel point se trouve sous le Parallèle de 54 degrés 40 minutes, et entre le 131me et le 133me degré de Longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord (l'Isle Prince of Wales appartenant en entier à la Russie) le long de la Passe, dite *Portland Channel*, jusqu'à ce qu'elle touche à la Côte de terre ferme au 56me degré de Latitude Nord, depuis ce point ci, où la ligne de démarcation touche au 56me degré, elle suivra la crête des Montagnes dans une direction parallèle à la Côte, jusqu'au 141me degré de Longitude Ouest (Même Méridien); et délà la ligne Méridienne du 141me degré de Longitude Ouest dans son prolongement jusqu'à la Mer Glaciale formera

la frontière entre les Possessions respectives des deux Puissances; pourvu néanmoins, qui si la Crête des susdites Montagnes, dans quelque partie que ce soit, de leur étendue, se trouvera située à plus de dix lieues maritimes de la Mer Pacifique, la ligne de démarcation, pour cet espace, sera une ligne parallèle aux sinuosités de la Côte, de manière que la dite ligne de démarcation ne sera en aucune partie à plus de dix lieues de la Côte.

Il est de plus convenu que nul Etablissement ne sera formé par l'une des deux Parties dans les limites assignées par cet Article à l'autre; les Sujets Britanniques ne formeront auoun Etablissement, soit sur la Côte soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes telles qu'elles sont désignées par cet Article; et, de même, nul Etablissement pareil ne sera formé par des Sujets Russes au délà des dites limites.

ARTICLE IV.

Il est entendu que les Sujets de Sa Majesté Britanniques, soit venant de l'intérieur du Continent, soit arrivant de l'Océan Pacifique, jouiront à perpétuité du droit de naviguer librement et sans molestation quelconque toutes les Rivières ou fleuves, qui dans leurs Cours à la Mer Pacifique traverseront la ligne de demarcation au long de la lisière de la Cote indiquée dans l'Article précédent.

ARTICLE V.

Il est, néanmoins, entendu que pour l'espace de dix Ans, à dater de la signature de cette Convention, les Vaisseaux des Hautes Puissances ou ceux appartenans à leurs Sujets respectifs, auront également la liberté de fréquenter, sans molestation quelconque, toutes les Mers intérieures, les Golphes, Havres et Criques dans les parties de la Côte mentionées dans l'Article 3.—pour exercer la pêche, et trafiquer avec les Indigènes.

ARTICLE VI.

Le Port de Sitka ou Novo Archangelsk sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espace de dix Ans à dater de l'échange des Ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix Ans sera accordée à quelqu'autre Puissance, une pareille prolongation en sera de même accordée à la Grande Bretagne.

ARTICLE VII.

La susdite liberté de Commerce ne sera pas censée embrasser le trafic des liqueurs spiritueuses, des Armes à feu, des Armes blanches, de la poudre à canon ou d'autres munitions de guerre, les Hautes Parties Contractantes, s'engageant réciproquement à ne pas laisser vendre, ni livrer de quelque manière que se puisse être, aux Indigènes du Païs, les Articles ci-dessus mentionnés.

ARTICLES VIII.

Tout Vaisseau Britannique ou Russe naviguant l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelqu'autre accident à se

réfugier dans les Ports des Parties respectives, aura la liberté de s'y radouber et s'y pourvoir de toute chose nécessaire et se remettre en mer sans payer d'autres droits que ceux de Port et de fanaux, qui toutefois n'excéderont pas les mêmes droits payés par les Navires Nationaux. Dans le cas, cependant, que le Patron d'un tel Navire se trouvera dans la nécessité de se defaire d'une partie de ses Marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'endroit où il aura abordé.

ARTICLE IX.

Dans tout cas de plaintes par rapport à l'infraction des Articles de la présente Convention, des Officiers employés de part et d'autre sans se permettre, au préalable, aucune voie de fait, ou mesure de force, seront tenus de faire un rapport exact de l'affaire et de ses Circonstances, à leurs Cours respectives lesquelles s'engagent à le regler selon la justice et à l'amiable.

ARTICLE X.

La present Convention sera ratfiée, et les Ratifications en seront échangées à ——— dans l'espace de ——— Mois, ou plutôt si faire se peut.

En foi de quoi, &c.

NOTE.—The preceding Projet is in the handwriting of George Canning's secretary. It contains many annotations, corrections, and marginal notes in lead pencil in the handwriting of Matusevich, an official of the Russian office and afterwards an Ambassador Extraordinary. The following is a copy of the projet, with these corrections and alterations incorporated. Portions of the original which thus undergo alteration are underscored in lead pencil.

[Translation.]

Contre-projet submitted by Stratford Canning, February 1 (13), 1825.

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of all the Russias, desiring to draw closer the ties of good understanding and friendship which unite them, by means of an agreement which shall settle, in accordance with the principles of mutual accommodation, various points relating to commerce and navigation and to the fisheries of their subjects in the Pacific Ocean, as well as the boundaries of their respective possessions on the northwest coast of America, have appointed plenipotentiaries to conclude a convention for that purpose, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland, ——— ———, and His Majesty the Emperor of all the Russias, ——— ———, which plenipotentiaries, after communicating to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I.

It is agreed that the respective subjects of the high contracting powers shall not be troubled or annoyed in any part of the great ocean, commonly called the Pacific Ocean, either in navigation or in the exploitation of the fisheries, or in the right to land on the coasts at

points not already occupied in order to trade there with the natives, subject, however, to the restrictions and conditions provided in the following articles:

ARTICLE II.

With a view to prevent the rights of navigation and fishing exercised in the great ocean by the subjects of the high contracting parties from becoming a pretext for an illicit trade, it is agreed that the subjects of His Britannic Majesty shall not land at any point where there is a Russian establishment without the permission of the governor or commandant, and that in return Russian subjects shall not land without permission at any British establishment on the northwest coast.

ARTICLE III.

The line of demarcation between the possessions of the high contracting parties situated on the continent and islands of northwest America shall be drawn as follows:

Beginning at the most southern point of the island called Prince of Wales, which point is under the parallel of 54° 40′, and between the one hundred and thirty-first and the one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall ascend to the north (Prince of Wales Island belonging entirely to Russia) along the passage called Portland Channel until it touches the coast of the mainland at the fifty-sixth degree of north latitude. From the point at which the line of demarcation touches the fifty-sixth degree it shall follow the crest of the mountains, in a direction parallel to the coast, to the one hundred and forty-first degree of west longitude, same meridian, and thence the meridian line of the one hundred and forty-first degree of west longitude, in its prolongation to the Arctic Ocean (Icy Sea), shall form the frontier between the respective possessions of the two powers: *Provided, however*, That if the crest of the said mountains, in any part whatever of their extent, shall be found to be more than ten maritime leagues from the Pacific Sea the line of demarcation for that space shall be a line parallel to the sinuosities of the coast, so that the line of demarcation shall not be anywhere more than ten leagues from the coast.

It is agreed, moreover, that no establishment shall be formed by either of the two parties within the limits assigned by this article to the other. British subjects shall not form any establishment, either on the coast or on the strip of mainland included in the limits of the Russian possessions as they are described in this article; and, in the same way, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE IV.

It is understood that the subjects of His Britannic Majesty, whether coming from the interior of the continent or arriving from the Pacific Ocean, shall enjoy forever the right to navigate, freely and without any molestation whatever, all the rivers which, in their course to the Pacific Ocean, cross the line of demarcation along the strip of the coast mentioned in the preceding article.

ARTICLE V.

It is, however, understood that for the period of ten years, to date from the signing of this convention, the vessels of the high powers, or those belonging to their respective subjects, shall have equally the right to frequent, without any molestation whatever, all the interior seas, the gulfs, havens, and creeks in the parts of the coast mentioned in Article III, to carry on fishing and to trade with the natives.

ARTICLE VI.

The port of Sitka or Novo-Archangelsk shall be open to the commerce and the vessels of British subjects for the period of ten years, to date from the exchange of the ratifications of this convention. In the event that a prolongation of this term of ten years is granted to any other power, a similar prolongation shall be likewise granted to Great Britain.

ARTICLE VII.

The above-mentioned freedom of commerce shall not be held to include the traffic in spirituous liquors, in firearms, in side arms, in gunpowder, or other munitions of war, the high contracting parties binding themselves mutually not to furnish the natives of the country with the articles above mentioned in any manner whatever.

ARTICLE VIII.

Every British or Russian vessel navigating the Pacific Ocean which may be compelled by storms or any other accident to take refuge in the ports of the respective parties shall have liberty to make repairs and to provide itself there with all necessaries, and to put to sea without paying any other dues than harbor and light-house dues, which, however, shall not exceed the same dues paid by the vessels of the country. In case, however, the master of such vessel should find himself compelled to dispose of a portion of his goods to meet his expenses, he shall be bound to conform to the ordinances and tariffs of the place at which he has touched.

ARTICLE IX.

In every case of complaint of the violation of the articles of the present convention, the officials employed on each side shall, without allowing themselves at first any act of violence or employment of force, be bound to make an accurate report of the matter and the circumstances connected with it to their respective courts, which bind themselves to settle it in accordance with justice and in an amicable manner.

ARTICLE X.

The present convention shall be ratified and the ratifications shall be exchanged at ——— within the period of ——— months, or sooner if possible.

In witness whereof, etc.

S. Canning's Contre-Projet as altered and corrected by Matusevich.

Sa Majesté le Roi du Royaume Uni de la Grande Bretague et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord Ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet; savoir,

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, ——— ———,

Et Sa Majesté l'Empereur de toutes les Russies ——— ———, lesquels Plénipotentiaires après s'être communiqués leur plein-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants:

ARTICLE I.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la Navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux Côtes sur des points qui ne seroient pas déjà occupés, afin d'y-faire le Commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

ARTICLE II.

Dans la vue d'empêcher que les droits de Navigation et de pêche exercés sur le Grand Océan par les Sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un Commerce illicite, il est convenu que les Sujets de Sa Majesté Britannique n'aborderont á aucun point où il se trouve un Etablissement Russe sans la permission du Gouverneur ou Commandant; et que réciproquement les Sujets Russes ne pourront aborder sans permission à aucun Etablissement Britannique sur la Côte Nord Ouest.

ARTICLE III.

La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur le Continent et les Isles de l'Amerique Nord Ouest sera tracée ainsi qu'il suit:

À partir du point le plus Méridional de l'Isle dite *Prince of Wales*, lequel point se trouve sous la Parallèle du 54. dégré 40 minutes de latitude Nord, et entre le 131me et le 133me dégré de Longitude Ouest (Méridien de Greenwich) la dite ligne remontera au Nord le long de la Passe, dite *Portland Channel*, jusqu'à l'endroit où cette passe se termine dans l'intérieur de la terre ferme au 56me dégré de Latitude Nord— depuis ce dernier point la ligne de démarcation suivra la crête des Montagnes dans une direction parallèle à la Côte, jusqu'au point d'intersection de 141me dégré de Longitude Ouest (même Méridien).

ARTICLE IV.

Il est entendu, 1° que l'ile dite *Prince of Wales* appartiendra tout entière à la Russie.

2°. Que la lisière de côte mentionnée ci-dessus qui doit appartenir à cette même Puissance et remonter de la parallèle du 56e de latitude nord au point d'intersection du 141° de longitude ouest, aura pour limites la crête des montagnes ainsi qu'il a été dit plus haut, mais que partout où la distance entre la crête des montagnes et la mer se trouverait de plus de dix lieues marines la limite de cette même lisière sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais s'éloigner de la mer que de dix lieues marines.

3°. Qu'à partir du point d'intersection du 141e degré de longitude ouest, la ligne de ce même degré formera dans son prolongement vers la Mer Glaciale, la frontière entre les possessions respectives des Hautes Parties Contractantes.

ARTICLE V.

Il est convenu en outre que nul établissement ne sera formé par l'une des deux parties dans les limites assignées par cet article à l'autre; les sujets britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes telles qu'elles sont désignées par cet article; et, de même, nul établissement pareil ne sera formé par des sujets russes au délà des dites limities.

ARTICLE VI.

Les sujets de Sa Majesté Britannique qui viendront de l'intérieur du Continent, arriver à l'Océan Pacifique ou de l'Océan Pacifique se rendre dans l'intérieur du Continent jouiront à perpétuité du droit de naviguer librement et sans entrâve quelconque sur tous les fleuves et rivières qui dans leurs cours vers la Mer Pacifique traverseront les limites de territoire russe sur la lisière de la côte indiquée dans l'article précédent.

ARTICLE VII.

Pendant l'espace de dix ans, à dater de la signature de cette convention, les vaisseaux des Hautes Puissances, ou ceux appartenans à leurs sujets respectifs, auront également la liberté de fréquenter sans entrâve ni empêchements quelconque, toutes les mers intérieures, les golphes, havres et criques dans les parties de la côte mentionnées dans l'article 3 pour exercer la pêche et trafiquer avec les indigènes.

ARTICLE VIII.

. Le Port de Sitka ou Novo-Archangelsk sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espade de dix Ans à dater de l'échange des Ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix Ans soit accordé à quelqu'autre Puissance, la même prolongation sera également accordée à la Grande Bretagne.

ARTICLE IX.

La susdite liberté de Commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des Armes à feu, des Armes blanches, de la poudre à canon, ou d'autres munitions de guerre, les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre ni livrer de quelque manière que ce puisse être, aux Indigènes du Pays, les Articles ci-dessus mentionnés.

ARTICLE X.

Tout Vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelqu' accident de se réfugier dans les Ports des Parties respectives, aura la liberté de s'y radouber et s'y pourvoir de tous les objets qui lui seront nécessaires et se remettre en mer sans payer d'autres droits que ceux de Port et de fanaux, lesquels seront por eux les mêmes que pour les bâtimens Nationaux. Si cependant le Patron du Navire avarié se trouverait dans la nécessité de se defaire d'une partie de ses Marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'endroit où il aura abordé.

ARTICLE XI.

Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autorités civiles et militaires des deux Hautes Parties contractantes sans se permettre, au préalable, ni voie de fait, ni mesure de force, seront tenus de faire un rapport exact de l'affaire et de ses Circonstances, à leurs Cours respectives lesquelles s'engagent à la regler à l'amiable et d'après les principes d'une parfait justice.

ARTICLE XII.

La présente Convention sere ratifiée, et les Ratifications en seront échangées à ——— dans l'espace de ——— mois, ou plutôt si faire se peut.

En foi de quoi, &c.

[Translation.]

S. Canning's contre-projet, as altered and corrected by Matusevich.

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of all the Russias, desiring to draw closer the ties of good understanding and friendship which unite them, by means of an agreement which shall settle, in accordance with the principle of mutual accommodations, various points relating to the commerce, the navigation, and the fisheries of their subjects in the Pacific Ocean, as well as the boundaries of their respective possessions on the northwest coast of America, have appointed plenipotentiaries to conclude a convention for that purpose, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland, ——— ———, and His Majesty the Emperor of all the Russias, ——— ———, which plenipotentiaries, after communicating to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I.

It is agreed that the respective subjects of the high contracting parties shall not be troubled or annoyed in any part of the great ocean, commonly called the Pacific Ocean, either in navigation, or in the exploitation of the fisheries, or in the right to land on the coasts at points not already occupied, in order to trade there with the natives, subject, however, to the restrictions and conditions provided in the following articles.

ARTICLE II.

With a view to prevent the rights of navigation and fishing exercised in the great ocean by the subjects of the high contracting parties from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any point where there is a Russian establishment without the permission of the governor or commandant; and that, in return, Russian subjects shall not land without permission at any British establishment on the northwest coast.

ARTICLE III.

The line of demarcation between the possessions of the high contracting parties on the continent and the islands of Northwest America shall be drawn as follows:

Beginning at the most southern point of the island called *Prince of Wales*, which point is under the parallel of 54° 40′ north latitude and between the one hundred and thirty-first and one hundred and thirty-third degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the passage called *Portland Channel* to the place where that passage ends in the interior of the mainland, at the fifty-sixth degree of north latitude. From this last point the line of demarcation shall follow the crest of the mountains in a direction parallel to the coast to the point of intersection of the one hundred and forty-first degree of west longitude (same meridian).

ARTICLE IV.

It is understood:

1. That the island called Prince of Wales shall belong entirely to Russia.

2. That the strip of coast mentioned above, which is to belong to this same power, and to ascend from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall have as its boundary the crest of the mountains, as has been said above, but that, wherever the distance between the crest of the mountains and the sea shall be more than 10 marine leagues, the boundary of this same strip shall be formed by a line parallel to the sinuosities of the coast, and which shall nowhere be more than 10 marine leagues from the sea.

3. That, beginning at the point of intersection of the one hundred and forty-first degree of west longitude, the line of that same degree shall form, in its prolongation toward the Arctic Ocean, the frontier between the respective possessions of the high contracting parties.

ARTICLE V.

It is agreed, moreover, that no establishment shall be formed by either of the two parties within the limits assigned in this article to the other. British subjects shall not form any establishment either on the coast or on the strip of mainland included in the limits of the Russian possessions as they are described in this article; and, in like manner, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE VI.

The subjects of His Britannic Majesty who may come from the interior of the continent to the Pacific Ocean, or who may go from the Pacific Ocean to the interior of the continent, shall enjoy forever the right to navigate, freely and without any obstacle, all the rivers and streams that, in their course toward the Pacific Ocean, may cross the limits of Russian territory on the strip of the coast described in the preceding article.

ARTICLE VII.

During the period of ten years, to date from the signing of this convention, the vessels of the high powers or those belonging to their respective subjects, shall have equally the right to frequent, without any let or hindrance whatever, all the interior seas, the gulfs, havens, and creeks in those parts of the coast mentioned in Article III, in order to carry on fishing and to trade with the natives.

ARTICLE VIII.

The Port of Sitka or Novo-Archangelsk shall be open to the commerce and vessels of British subjects for the period of ten years, to date from the exchange of the ratifications of this convention. In the event that a prolongation of this term of ten years should be granted to any other power, the same prolongation shall be likewise granted to Great Britain.

ARTICLE IX.

The above freedom of commerce shall not apply to the traffic in spirituous liquors, firearms, side arms, gunpowder, or other munitions of war, the high contracting parties binding themselves mutually not to allow to be sold, or to be furnished in any manner whatever, to the natives of the country the articles above mentioned.

ARTICLE X.

Every British or Russian vessel navigating the Pacific Ocean that may be compelled by storms or by any accident to take refuge in the ports of the respective parties shall be at liberty to refit and to provide itself there with everything that it may need and to put to sea again without paying any dues except port and light-house dues, which shall be the same for them as for the vessels of the country. If, however, the master of the damaged vessel should find himself compelled to dispose of a portion of his goods in order to meet his expenses, he shall be required to conform to the ordinances and tariffs of the place at which he has touched.

ARTICLE XI.

In all cases of complaint with regard to the violation of the articles of the present convention, the civil and military authorities of the two high contracting parties, without permitting themselves, beforehand, any act of violence or employment of force, shall be required to make a detailed report of the matter and its attendant circumstances to their respective courts, which bind themselves to settle it amicably and in accordance with the principles of perfect justice.

ARTICLE XII.

The present convention shall be ratified and the ratifications shall be exchanged at ——— within the period of ——— months, or sooner, if possible.

In witness whereof, etc.

Mr. S. Canning to Mr. G. Canning.

No. 15.] ST. PETERSBURG, *February 17 (March 1), 1825.*

(Received March 21.)

SIR: By the messenger Latchford I have the honor to send you the accompanying convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and northwest coast of America, which, according to your instructions, I concluded and signed last night with the Russian plenipotentiaries.[a]

The alterations which, at their instance, I have admitted into the "Projet" such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiation, as stated in the preamble of the convention, is preserved in the articles of that instrument. The line of demarcation along the strip of land on the northwest coast of America assigned to Russia is laid down in the convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the articles, by the Russian plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiation to a satisfactory and prompt conclusion, is the division of the third article of the new "Projet," as it stood when I gave it in,[b] into the third, fourth, and fifth articles of the convention signed by the plenipotentiaries.

This change was suggested by the Russian plenipotentiaries,[c] and at first it was suggested in a shape which appeared to me objectionable, but the articles as they are now drawn up I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the fourth article had already appeared parenthetically in the third article of the "Projet," and the whole of the fourth article is limited in its signification and connected with the article immediately preceding it by the first paragraph.

With respect to Bering Straits, I am happy to have it in my power to assure you, on the joint authority of the Russian plenipotentiaries,

[a] See *ante*, page 12. [b] See *ante*, page 213. [c] See *ante*, page 218.

that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits or of the seas to the north of them.

It can not be necessary, under these circumstances, to trouble you with a more particular account of the several conferences which I have held with the Russian plenipotentiaries, and it is but justice to state that I have found them disposed, throughout this latter stage of the negotiation, to treat the matters under discussion with fairness and liberality.

As two originals of the convention prepared for His Majesty's Government are signed by the plenipotentiaries, I propose to leave one of them with Mr. Ward for the archives of the embassy.

I have, etc.,

STRATFORD CANNING.

Mr. Middleton to Mr. Adams.

No. 43.] ST. PETERSBURG, *17th February, 1st March, 1825.*
(Received May 2.)

SIR: I have the honor to acquaint you that a convention was signed yesterday between the Russian and British plenipotentiaries relative to navigation, fisheries, and commerce in the Great Ocean, and to territorial demarcation upon the Northwest Coast of America. In a conversation held this day with Mr. Stratford Canning I have learned that this treaty is modeled in a great degree upon that which was signed by me in the month of April last, and that its provisions are as follows, to wit:

The freedom of navigation and fishery throughout the Great Ocean and upon all its Coasts; the privilege of landing at all unoccupied points; that of trading with the natives; and the special privileges of reciprocal trade and navigation secured for ten years upon the northwest Coast of America, together with the mutual restrictions prohibiting the trading in firearms or spirituous liquors, are all stipulated in the British as in the American Treaty; and some new provisions are made for the privilege of refitting vessels in the respective Ports, and no higher duties are to be imposed than upon National Vessels.

The third article of this convention establishes the line of demarkation between the possessions of the two powers upon the Continent and Islands, as follows: It begins at the southernmost point of Prince of Wales's Island (about 54° 40′), leaving the whole of that island to Russia. It follows the strait called Portland Passage up to the fifty-sixth degree; then turns eastward upon that latitude until it touches the highest ridge of the chain of mountains lying contiguous to and nearly parallel with the coast; it follows that ridge up to the sixtieth degree, and then takes the direction of that degree of latitude until its intersection with the one hundred and forty-first degree of longitude west of Greenwich; thence it follows that meridian north to the Icy Sea. But in case the ridge of the Mountain lying parallel with the Coast shall be more than 10 marine leagues from the Shores of the Continent, then the distance of 10 marine leagues from the Shore is to be considered as the boundary of the Russian possessions upon the Continent.

I beg leave here to repeat an opinion I ventured to express in my dispatch No. 38, respecting the policy of establishing a Post upon the Continent somewhere within the Straits of Fuca. The most valuable part of the furs procured upon the northwest Coast is obtained in the

interior Seas running around the cluster of Islands bordering the Coast. I should consider such a post as more important in many points of view than one upon Columbia River, and as likely to have a most decisive influence in securing an advantageous settlement of limits with England, who will be anxious, now that her northern limit is established, to settle her southern boundary upon that Coast.

I have the honor to be, sir, very faithfully, your obedient servant,

HENRY MIDDLETON.

Count Nesselrode to Count Lieven.

ST. PÉTERSBOURG, *le 20, Février / 3 Mars, 1825.*

MONSIEUR LE COMTE: Je me félicite de pouvoir annoncer à Votre Excellence que mes négociations avec Mr. Stratford Canning relativement à la côte N. O. de l'Amérique, ont été couronnées de succès.

Nous venons de signer la convention dont copie ci-jointe.

Le seul point qui ait donné lieu à quelques difficultés dans nos discussions avec le Plénipotentiaire Britannique avait rapport aux limites de la lisière de côte que la Russie doit posséder sur le continent Américain depuis le 56° de lat. N. jusqu'au point d'intersection du 141° de long. Ouest.

L'Empereur eut trouvé plus réciproquement juste, plus également avantageux, que la frontière naturelle, formée par les montagnes qui bordent la côte fut adoptée de part et d'autre, comme ligne de démarcation invariable. L'Angleterre y eut gagné partout où ces montagnes se seraient trouvées à moins de dix lieues marines de la mer; la Russie partout où cette distance aurait été plus grande et vu le peu de précision des notions géographiques qu'on possède sur ces contrées un tel arrangement eut offert une entière parité de chances favorables aux deux Parties contractantes.

Cependant Mr. Stratford Canning ayant déclaré que ses instructions ne lui permettaient pas d'accueillir les vœux que nous lui avions exprimés sous ce rapport, l'Empereur pour donner une dernière preuve de ses dispositions amicales à Sa Majesté Britannique, nous autorisa à signer l'acte en question tel, que j'ai l'honneur de le transmettre à Votre Excellence.

Je lui en enverrai incessamment les ratifications et je profite de cette occasion pour Lui accuser la réception de ses dépêches du 30 mars / 12 Février que je me suis empressé de porter à la connaissance de l'Empereur.

Recevez, Monsieur le Comte, l'assurance de ma haute considération.

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURG, *February 20 (March 3), 1825.*

MONSIEUR LE COMTE: I congratulate myself on being able to inform your excellency that my negotiations with Mr. Stratford Canning with regard to the northwest coast of America have been crowned with success.

We have just signed the convention, a copy of which is inclosed.

The only point that has given rise to any difficulties in our discussions with the British plenipotentiary related to the limits of the strip

of coast which Russia is to possess on the American continent from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude.

The Emperor would have found it more mutually just, more equally advantageous, if the natural frontier formed by the mountains bordering on the coast were adopted by both parties as the invariable line of demarcation. England would have gained thereby wherever those mountains were less than 10 marine leagues from the sea; Russia, wherever that distance was greater; and, in view of the want of accuracy of the geographical notions which we possess as to these countries, such an arrangement would have offered an entire equality of favorable chances to the two contracting parties.

However, Mr. Stratford Canning having declared that his instructions did not permit him to entertain the wishes which we had expressed to him on this point, the Emperor, in order to give his Britannic Majesty a last proof of his friendly feelings, authorized us to sign the act in question, such as I have the honor to transmit it to your excellency.

I shall shortly send you the ratifications, and I avail myself of this opportunity to acknowledge the receipt of your dispatches of March 30/February 12, which I hastened to communicate to the Emperor.

Receive, Monsieur le Comte, the assurance of my high consideration.

Count Nesselrode to Count Lieven.

ST. PÉTERSBOURG, *le 13 Mars 1825.*
(Received 29 March/10 April.)

MONSIEUR LE COMTE: Votre excellence trouvera ci-joint la ratification de la Convention que nous avons conclue avec Mr. Stratford-Canning, au sujet des possessions respectives de la Russie et de la Grande Bretagne, sur la côte N. O. de l'Amérique.

En échangeant cet instrument contre celui qui doit Vous être remis par la Cour de Londres, l'Empereur désire, Monsieur le Comte, que Vous observiez à Mr. Canning, qu'il eût été plus conforme, d'après l'opinion de Sa Majesté Impériale, et aux principes d'une mutuelle justice et à ceux des convenances réciproques, de donner pour frontière à la lisière de côte que la Russie doit posséder depuis le 56° de lat^de^ Nord, jusqu'au point d'intersection du 141° de lon^de^ Ouest, la crête des montagnes qui suivent les sinuosités de la côte.

Cette stipulation en effet, eût assuré aux deux Puissances, une parfaite égalité d'advantages et une limite naturelle. L'Angleterre y eût trouvé son profit partout où les montagnes sont à moins de dix lieues marines de la mer, et la Russie, partout où la distance qui les en sépare est plus grande. Il nous semble que, touchant des contrées dont la géographie est encore peu connue, on ne pouvoit proposer de stipulation plus équitable. Votre Excellence ajoutera, que le Plénipotentiaire de S. M. Britannique ayant déclaré qu'il se trouvoit dans l'impossibilité d'accueillir les vœux que nos lui avons exprimés sous ce rapport, c'est uniquement pour donner au Roi d'Angleterre une preuve de Ses dispositions amicales, que notre Auguste Maître nous a permis de signer cet article tel qu'il existe dans la Convention actuelle.

L'Empereur Se flatte que S. M. Britannique appréciera un aussi sincère témoignage du désir qui nous animoit de terminer des discussions fâcheuses et d'en prévenir le retour par une transaction définitive.

Votre Excellence est autorisée à donnor lecture de la présente à M. Canning et à lui en laisser une copie, avec prière de la mettre sous les yeux du Roi.

Recevez, Monsieur le Comte, l'assurance de ma haute considération.

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURG, *March 13, 1825.*
(Received March 29 / April 10.)

MONSIEUR LE COMTE: Your excellency will find inclosed the ratification of the convention which we have concluded with Mr. Stratford Canning with regard to the respective possessions of Russia and Great Britain on the northwest coast of America.

Upon exchanging this instrument for that which is to be delivered to you by the Court of London, the Emperor wishes you, Monsieur le Comte, to remark to Mr. Canning that it would have been more in conformity, in the opinion of his Imperial Majesty, both with the principles of mutual justice and with those of reciprocal accommodations, to give as a frontier to the strip of coast which Russia is to possess from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude the crest of the mountains which follow the sinuosities of the coast.

This stipulation, in fact, would have secured to the two powers a perfect equality of advantages and a natural boundary. England would have found her profit in it wherever the mountains are less than 10 marine leagues from the sea, and Russia wherever the distance separating them from it is greater. It seems to us that, in the case of countries whose geography is still little known, no more equitable stipulation could be proposed. Your excellency will add that, as the plenipotentiary of his Britannic Majesty had declared that he found it impossible for him to entertain the wishes which we expressed to him on this point, it was solely to give the King of England a proof of his friendly feelings that our August Master permitted us to sign this article such as it exists in the present convention.

The Emperor flatters himself that His Britannic Majesty will appreciate so sincere a testimony of the desire by which we were actuated to put an end to disagreeable discussions, and to prevent a return of them, by a definitive compromise.

Your excellency is authorized to read the present to Mr. Canning, and to leave him a copy of it, with the request that he will place it before the eyes of the King.

Receive, Monsieur le Comte, the assurance of my high consideration.

Mr. G. Canning to Mr. S. Canning.

No. 6.] FOREIGN OFFICE, *March 15, 1825.*

SIR: Your dispatches to No. 13, inclusive, have been received and laid before the King.

I inclose to you a copy of a dispatch received from Mr. Addington, by which you will see that the Government and Senate of the United

States have ratified the Treaty of Northwest American Boundaries and Navigation, which was negotiated at St. Petersburg last year.

It is hardly necessary to point out to you the additional force which the conclusion of this transaction gives to that part of your instructions on the same subject, which prescribes the demand for this country of terms as favorable as those which have been obtained by the United States.

I am, etc., GEORGE CANNING.

Mr. S. Canning to Mr. G. Canning.

No. 30.] ST. PETERSBURG, *April 3 (15), 1825.* (Received May 3.)

SIR: I beg leave to trouble you with a few words in acknowledgment of your two dispatches, the one containing a copy of a letter addressed by you to his excellency Prince de Polignac, on the subject of certain oyster fisheries lying between the Island of Jersey and the adjacent coast of France, and the other inclosing a dispatch from Mr. Addington to you, announcing the ratification of the convention concluded last year between Russia and the United States, touching the navigation of the Pacific Ocean and other matters connected with that subject.

I trust that the objects to which the communications transmitted with those dispatches relate have been found to be sufficiently secured by the convention, which, under your instructions, I have signed, during my residence here, in concert with the Russian plenipotentiaries.

With respect to the right of fishing, no explanation whatever took place between the plenipotentiaries and myself in the course of our negotiations. As no objection was started by them to the article which I offered in obedience to your instructions, I thought it unadvisable to raise a discussion on the question; and the distance from the coast at which the right of fishing is to be exercised in common passed without specification, and consequently rests on the law of nations as generally received.

Conceiving, however, at a later period that you might possibly wish to declare the law of nations thereon, jointly with the court of Russia in some ostensible shape, I broached the matter anew to Count Nesselrode, and suggested that he should authorize Count Lieven, on your invitation, to exchange notes with you declaratory of the law as fixing the distance at 1 marine league from the shore.

Count Nesselrode replied that he should feel embarrassed in submitting this suggestion to the Emperor just at the moment when the ratifications of the convention were on the point of being dispatched to London, and he seemed exceedingly desirous that nothing should happen to retard the accomplishment of that essential formality. He assured me at the same time that his Government would be content, in executing the convention, to abide by the recognized law of nations, and that if any question should hereafter be raised upon the subject, he should not refuse to join in making the suggested declaration, on being satisfied that the general rule under the law of nations was such as we supposed.

Having no authority to press the point in question, I took the assurance thus given by Count Nesselrode as sufficient, in all probability, to answer every national purpose.

Referring to the American treaty, I am assured, as well by Count

Nesselrode as by Mr. Middleton, that the ratification of that instrument was not accompanied with any explanations calculated to modify or affect in any way the force and meaning of its articles. But I understand that, at the close of the negotiation of that treaty, a protocol, intended by the Russians to fix more specifically the limitations of the right of trading with their possessions, and understood by the American envoy as having no such effect, was drawn up and signed by both parties. No reference whatever was made to this paper by the Russian plenipotentiaries in the course of my negotiation with them; and you are aware, sir, that the articles of the convention which I concluded depend for their force entirely on the general acceptation of the terms in which they are expressed.

I have, etc., STRATFORD CANNING.

Count Lieven to Count Nesselrode.

LONDRES, *8/20 Mai, 1825.*

MONSIEUR LE COMPTE: Conformément aux ordres de Votre Excellence je me suis empressé de donner à Mr. Canning lecture et copie de la Dépêche accompagnant l'envoi de notre Ratification de la convention conclue avec Mr. Stratford Canning au sujet des possessions respectives de la Russie et de la Grande Bretagne sur la côte Norde-Ouest de l'Amérique.

Avant même la reception de cette pièce, je m'etois fait un devoir d'observer au Secrétaire d'Etat, combien le refus du Gouvernement Anglois de consentir à la fixation de la frontière au moyen de la crête des montagnes qui suivent les sinuosités de la Côte, devoit paroître rigoureux au Cabinet Impérial, lorsqu'il de s'agit que de l'occupation de quelques lieues de terre de plus ou de moins, et qu'une immense étendue de pays désert nous sépare encore des possessions Angloises.

J'appelai également son attention, sur l'influence inévitable que la roideur que nos avions éprouvée sur un point aussi peu important en lui même, exerceroit sur la conduit des négociations de la même nature que le Gouvernement Anglois alloit être dans le cas d'entreprendre incessamment avec les Etats Unis, auxquels cette circonstance ne manqueroit certainement pas de donner la mesure des difficultés et des prétentions qu'ils auront à combattre.

Mr. Canning, en rendant pleine justice aux intentions qui ont déterminé les concessions consentées par notre Cour, dont la marche en cette occasion a porté incontestablement l'empreinte des dispositions amicales de Sa Majesté l'Empereur vis à vis de l'Angleterre, a cherché à justifier l'insistance du Gouvernement Brittanique, en m'assurant, qu'elle dérivoit uniquement du désir sincère de prévenir le retour de toute discussion fâcheuse à l'avenir, et non d'une intention quelconque d'acquérir un accroissement de territoire, ou de limiter l'extension des possessions Russes; Que les contestationes dans lesquelles le Gouvernement Anglois se trouve engagé en ce moment avec celui des Etats-Unis, à cause d'une stipulation du traité de Gand, semblable à celle proposée par notre Cour et qui fixoit également une chaine de montagnes pour frontière entre les possessions des deux Etats, lui avoient démontré tout l'inconvénient d'une délimitation établie sur ce principe, les montagnes s'étant trouvées dévier très considérablement en réalité de

la direction qui leur étoit désignée dans les cartes présumées les plus correctes et les plus détaillées; Que cet inconvénient s'étant présenté lorsqu'il s'agissoit de contrées dont la Géographie est bien plus connue que celles des régions auxquelles se refèrent les stipulations de la Convention du 16 (28) Février dernier, le Gouvernement Anglois en insistant aujourd'hui sur la fixation d'une limite moins indéfinie, avoit cru donner une preuve du prix qu'il attache à prévenir jusqu'à la possibilité d'une discussion sur la teneur de la transaction conclue entre les deux Cabinets.

Ayant échangé avec Mr. Canning, dans la journée du 9 Avril, la ratification de notre cour de cet acte, contre celle de Sa Majesté Britannique, j'ai l'honneur de transmettre ci-joint ce document à votre excellence, accompagné du certificat d'usage servant à constater l'échange qui a eu lieu entre le Secrétaire d'Etat et moi.

J'ai l'honneur, etc.

[Translation.]

Count Lieven to Count Nesselrode.

LONDON, *May 8 (20), 1825.*

MONSIEUR LE COMTE: In conformity with your excellency's orders I hastened to read to Mr. Canning, and to give him a copy of, the dispatch accompanying our ratification of the convention concluded with Mr. Stratford Canning with regard to the respective possessions of Russia and Great Britain on the northwest coast of America.

Even before the receipt of that document, I had made it my duty to remark to the Secretary of State how ungracious the refusal of the English Government to consent to the establishment of the frontier by means of the crest of the mountains which follow the sinuosities of the coast, must appear to the Imperial Cabinet when it was merely a question of the occupation of a few leagues of land more or less, and when an immense extent of desert country still separates us from the English possessions.

I likewise called his attention to the influence which the stiffness which we had experienced upon a point of so little importance in itself would inevitably exercise upon the management of the negotiations of the same nature which the English Government would shortly be compelled to undertake with the United States, to whom this circumstance would certainly not fail to give some idea of the difficulties and claims which she will have to combat.

Mr. Canning, while rendering full justice to the intentions which determined the concessions granted by our court, whose conduct on this occasion has borne indisputably the stamp of the friendly feelings of His Majesty the Emperor toward England, attempted to justify the persistence of the British Government by assuring me that it arose solely from a sincere desire to prevent the recurrence of any disagreeable discussion in future, and not from any intention of acquiring an increase of territory or of limiting the extension of the Russian possessions; that the disputes in which the English Government finds itself engaged at this moment with the United States Government, on account of a stipulation of the treaty of Ghent similar to the one proposed by our court, and which likewise fixed a chain of mountains as the frontier between the possessions of the two States, had shown it all the inexpediency of a delimitation established on this principle, the mountains

having been found to deviate very considerably from the direction given them on the maps which were thought to be the most correct and the most detailed: that this inexpediency having presented itself in the case of countries whose geography is much better known than that of the regions to which the stipulations of the convention of February 16 (28) last relate, the English Government, in now insisting upon the fixing of a less vague boundary, thought that it gave a proof of the value which it attaches to the prevention of even the possibility of a discussion as to the tenor of the transaction concluded between the two cabinets.

Having exchanged with Mr. Canning, on the 8th April, the ratification of this act by our court for that of His Britannic Majesty, I have the honor to transmit that document to your excellency inclosed, accompanied by the customary certificate serving to establish the fact of the exchange which has taken place between the Secretary of State and myself.

I have the honor, etc.

Extract from President Monroe's annual message of December 2, 1823.[a]

[For full text see Messages and Papers of the Presidents, 1789-1897, compiled by James D. Richardson.—Washington, 1896.]

* * * * * * *

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

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[a] See reference to this portion of the message by Mr. Middleton, *ante*, page 77; by Mr. Canning, *ante*, page 147.

PAPERS RELATING TO A RENEWAL OF THE TRADING PRIVILEGE GRANTED TO THE UNITED STATES BY THE TREATY OF 1824.

Report of the Board of Directors of the Russian-American Company. November 27th, 1834 (No. 1181).

[Translation.]

To His Excellency Count KANKREEN,
Imperial Minister of Finance, etc.

The Chief Manager of the Colonies in America, Post Captain of the Navy and Chevalier, Baron Wrangell, reports to the Board of Directors on April 28th last that, although the ten years term of the treaty concluded between Russia and the United States of America concerning the navigation of American ships in the waters of the Russian dominions in America elapsed on April 5/17 of this year, the American captains Snow and Allen answered to his demand in the effect that, not being regularly informed of it by their Government they should continue to go from Novo Archangelsk into the Straits. To prevent this, Baron Wrangell considered it his duty to inform them by letter of the expiration of the term fixed by the treaty in order that they should not be in a condition to justify themselves by not knowing this law.

In submitting to Your Excellency herewith a copy of Baron Wrangell's circular written in French and sent to those Americans; the Board of Directors takes the liberty of asking you not to refuse to communicate for them with the Government of the United States of America, requesting that it should announce to everybody who ought to know it, that the term of the aforementioned Convention has expired and that the Captains of merchant ships have no right to enter within the Russian dominions north of 54° 41′ latitude for carrying on commerce with the natives.

Director ANDREW SEVERIN.

[Inclosure to Report of Board of Directors.]

SIR: As Governor of the Russian Colonies in America, and availing myself of your entrance into this port, I have the pleasure to inform you that—according to Art. IV of the Convention concluded and ratified by His Majesty the Emperor of all the Russias on one part, and on the other by the Highly Honorable The President of the United States of America, with the approval and consent of the Senate, on the 5/17 of April 1824—the right of frequenting the gulfs, straits, ports and bays included within the limits of the Russian possessions on the North-West coast of America, namely: north of latitude 54° 40′, has ceased for vessels of citizens of the United States of America, on the 5/17 of April of this year.

I consider it my duty to advise you of this fact in order to prevent any violation of the said Convention that might occur through ignorance of this circumstance and

to beg you to communicate the contents of this note to all the citizens of the United States you may meet in these parts.

The copy of this circular shall be communicated to the United States Congress by the Russian Government.

I have the honor to be, &c.

(Signed) BARON WRANGELL,
Captain of the Imperial Russian Navy, Knight,
Governor of the Russian Colonies in America.

The Governor of the Russian-American Company to the Commander of brig "Chichagoff," Lieutenant Zarembo, March 8, 1835 (No. 26).

[Translation.]

After having prepared your vessel for the expedition, I recommend you to set sail at the first opportunity and direct your course by the most convenient route to Tumbaz [Tongas].

The aim of your expedition is twofold: 1, The occupation of a station on the frontiers of our straits for the purpose of preventing the foreigners to enter them and to trade with the natives, as they have lost the right to do so on account of the expiration of the ten years' term of the Convention, as you may see from the enclosed copy. 2, For trading with the natives. I deem it necessary to observe the following with regard to these two points.

I. Occupation of a station.

As we may say that the only place in our straits, visited by the foreigners is Tongas, you must select this bay as the place of your sojourn. Here you may always hear from the Kolosh about the appearance of some vessel and consequently having your brig always ready to set sail, you will always be able to proceed to where the foreigner will show herself.

Upon receiving from her answers to the questions marked in the enclosed papers, you will declare to her that the term of the Convention has expired, giving each vessel a letter from the nine copies here enclosed (six written for captains of the United States and three for the English) and demand that in consequence of this the vessel should leave our possessions. Should the captain allege some indispensable reason which forced him to enter and to stop, as dire necessity of repairs or danger from winds, after having ascertained the truth of the statement you will use all means of giving him aid, in order that you may send him out of the strait after having removed the obstacle. It stands to reason that the foreigner must under no circumstances carry on trade with the natives.

If contrary to all expectations, the captain should insist on staying and should continue to carry on trade, you in your turn, must not employ any violent measures against him, but report his actions to the colonial authorities at your earliest opportunity.

But should insolence go so far that some one should use violence against you, it is your duty to repulse it by military measures and punish the brigands, maintaining the honor of your flag and uniform. A vessel taken under such circumstances is a legal prize.

II. Trade with the natives.

It is known to you that the most important influx of furs to the southern parts of our straits is at Tongas and that in April and up

to the middle of May in Tongas and the neighboring localities all the Kolosh are absent as they go to Naas with their furs. It is consequently absolutely necessary to reach Tongas during March so as to catch the inhabitants on the spot.

I beg of you to take upon yourself the trouble of overseeing the trade and establishing it. You know how important this feature is and I hope that, according to your last year's operations in the straits, you will teach now also the as yet inexperienced factor. I beg of you to maintain the prices current in Stachin and Sitka.

* * * * * * *

You have on board all the merchandise for the Kolosh that we could gather.

When the Tongas inhabitants will have left this place and no foreign vessels will be seen, sail for the Dyonisius redoubt, deliver your cargo destined for this redoubt and return to your station about the middle of May when the natives come back for fishing. You may require from the redoubt merchandise for the Kolosh should you be in need of the same as for example, cotton cloth and tobacco.

Towards September, during that month and October, autumn trade gathers at Tongas and its neighborhood, all the furs going now into the hands of the British and Americans; I, consequently, recommend that you should not leave the straits before having assured yourself that the autumn trade is in your hands and that you need not fear the arrival of a foreigner and that there is none in the vicinity. Then after having fully completed your mission return to Novo-Archangelsk and present a report on your operations to the colonial authorities.

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Report of the Board of Directors of the Russian American Company, to the Department of Trade and Manufactures, November 26, 1835 (No. 1298).

[Translation.]

In consequence of the paper received from the Department of Trade and Manufacture with regard to our conventions with England and the United States, the Board of Directors, after consideration of the circumstances and means which would not injure the essential course of business of the Company, laid its opinion for examination before Council instituted by Supreme order, and according to the resolution of the latter has the honor to forward to the Department of Trade and Manufactures the opinion of the Board of Directors confirmed by the Council: (1) with regard to the American Captains who, in spite of warning, continue to navigate as heretofore our waters for the purpose of trading with the natives of our possessions, the Company will never in any case whatsoever, lose sight of Art. XI of the Convention with Great Britain, according to the terms of which no forcible measures or violence shall be used, and the Board of Directors will report it in detail to the authorities and demand protection and defence against such violators of international law. (2) When the English and United States Americans were allowed by the conventions to navigate within the Russian possessions, the Russian American Company, in order to avoid disagreeable and often disastrous consequences from competition

in trade, especially with such captains who would stop at nothing for the sake of gain, did not send off its vessels to the places where the foreign ships had their trading dens, 4 to 6 coming every year and supplying the savages, in spite of the conventions, with liquor, cannon, guns and powder; but already before the expiration of the term of the conventions, in 1833, the Governor, Baron Wrangell, sent brig the *Chichagoff*, commanded by his assistant Capt. Lieut. Etholine, to cruise along the boundary of our possessions and grow acquainted with the natives, who until then traded solely with the foreigners. Upon Mr. Etholine's return, the same mission was entrusted to Lieut. Zarembo, and, as may be seen from the reports of these officers, they had great difficulty in executing the mission of the Governor in spite of great pains, indefatigable patience and considerable expense. The inhabitants of those localities, the Kolosh, a numerous, warlike and impudent people, excited by insinuations of the various competitors in trade, with regard to Russia's rights to this territory, and the Russians turning them into slaves, were inculcated with strange suspicions and hostility towards the Russians. Only the ever equitable treatment of the above mentioned officers, sacrifice of capital for presents to the chiefs of the savages, and unwavering honesty in the trade, softened at first and then brought them to the necessity of soliciting the Governor to establish a settlement among them. On account of this request workmen were sent out immediately, and, under supervision of Lieut. Zarembo, a redoubt was erected at the mouth of the river Stikine, in the latitude of 56° 40′ N. and longitude 132° 10′ W. of Greenwich. Upon the completion of this first settlement, the safety of the same by means of mutual and prompt reinforcements, as well as the continuous maintenance of trade with the natives, demand that a chain of stations be established from the most southern redoubt of our possessions, St. Dyonisius at Stikine, to the north to the Chilkat Strait, named Lynn Canal by Vancouver. It is indispensable, according to the inspection of the local Commander, to erect on this area 2 or 3 more redoubts, establish settlements, and intending to do so the Company cannot, without evident prejudice, see foreigners trading freely within the boundary of Russian possessions; each of the redoubts will then be, so to say, in a besieged condition from the natives themselves, for, on account of competition in trade the foreigners will pay them again as heretofore with liquor, powder, guns and cannon, and in such a case the actions of intoxicated savages will know no bounds as to impudence, riot and the consequences to us will be continual disputes, and may be bloodshed. The Board of Directors deems it necessary to add that the American Captains made attempts, by converting the natives to Christianity, to bind them to them by means of religious ties; fort his purpose missionary Green was brought there by Capt. Taylor of ship *Volunteer*. He might have succeeded in his undertaking, but the extreme greed of the Captain lost them the confidence of the natives and the missionary was obliged to return without having achieved any success. This incident illustrates the ill-will of the American Captains, who take advantage of the rights of trade, enjoyed during the 10 years term of the convention, but since prohibited by the same. On account of all these circumstances the Board of Directors declares that the acceptance of new conventions from the United States as well as from the British Government, should the proposition emanate from the latter, to allow their captains to freely

navigate our waters for the purpose of trading in our possessions, will be decidedly prejudicial to the Russian American Company, but the permission for foreigners to come to the Port of Novo Archangelsk to trade with the office of the Company according to the instructions of the Governor, may remain as heretofore, and no new treaty is necessary for the same. The Board of Directors has the honor to return the papers forwarded with the writing of the Department of Trade and Manufacture.

Baron Krudener to Mr. Dickins.

[Translation.]

WASHINGTON, *May 19 (31), 1835.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, has the honor to address the following communication to Mr. Dickins, who has charge of the Department of Foreign Relations during the absence of the Secretary of State.

The convention concluded between Russia and the United States on the 5th (17th) of April, 1824, regulated various points respecting the commerce and navigation of the vessels of each nation, along the northwest coast of America. The fourth article of this convention grants to American vessels for ten years after the date of the signature thereof the right of frequenting, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks comprised within the limits of the Russion possessions on the aforesaid coast, and especially northward of 54° 40′ of north latitude.

This period of ten years expired on the 5th (17th) of April, 1834; notwithstanding which two American captains, Snow and Allen, who were then in the port of Novo Archangelsk, declared their intention to visit the anchoring places on the coast belonging to Russia, as before, on the plea that they had received no notice of the cessation of this privilege from their Government. This declaration induced Captain Baron de Wrangell, governor of the Russian American colonies, to state formally to Captains Snow and Allen, by a circular addressed to them, under date of April 27, that by the terms of the convention of April, 1824, American vessels had no longer the right of landing at their discretion at all the landing places of the said possessions in America.

In consequence of what is here exposed, the ministry of His Majesty the Emperor of all the Russias has ordered the undersigned to call the attention of the American Government to the fact that the fourth article of the treaty of 5th (17th) of April, 1824, by which indefinite and indiscriminate liberty (*une liberté indéfinie et indistincte*) of frequenting the respective possessions of each party on the northwest coast was granted to the vessels of each has expired. The new state of things brought on by the terms of the treaty, since the expiration of the said ten years, not having been sufficiently appreciated by the navigators of the United States, who have latterly frequented the Russian possessions on the northwest coast of North America, it appears to be necessary that the American public should be informed of the actual state of the relations on this subject, and the undersigned has been ordered to invite the Government of the United States to take the most suitable measures with regard to it.

The undersigned, etc., B. KRUDENER.

Mr. Dickins to Baron Krudener.

DEPARTMENT OF STATE,
Washington, June 3, 1835.

The undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of the note addressed to him on the 19th (31st) ultimo, by Baron Krudener, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, reminding this Government of the expiration of the fourth article of the treaty of 5th (17th) April, 1824, between the United States and Russia, which secured to American and Russian vessels the privilege of frequenting the respective possessions of the two powers on the northwest coast, and suggesting the propriety of the adoption of proper measures to notify this fact to the people of the United States.

The undersigned has the honor to inform Baron Krudener that he will take an early opportunity to submit his communication to the President, and he avails, etc.,

ASBURY DICKINS.

Mr. Forsyth to Baron Krudener.

DEPARTMENT OF STATE,
Washington, June 24, 1835.

SIR: I have the honor to inform you that your note of the 19th (31st) ultimo, calling the attention of this Government to the fact that the fourth article of the convention of April, 1824, between the United States and Russia had expired by its own limitation during the year 1834, and suggesting the propriety of making this event known to the American public, has been laid before the President for his consideration. As, however, the motives which led to and rendered expedient the adoption of that article of the treaty of 1824 exist now in equal force, and as the arrangement has been found mutually beneficial to the interests of the citizens and subjects, respectively, of the contracting parties, without inconvenience to either, I am instructed to apprize you that the President would prefer not to take any active measures to interrupt the commercial intercourse between the United States and the Russian settlements on the northwest coast of America, unless, in your opinion, there is reason to believe that a proposition on the part of this Government for the renewal of the article referred to would not be met in a favorable spirit by the Government of His Imperial Majesty at St. Petersburg.

An early answer to this communication, if you are not aware of any difficulty on the part of your Government in the way of such a negotiation, will enable me, without unnecessary delay, to transmit the requisite instructions on the subject to the diplomatic representative of the United States in Russia.

I pray you, sir, to accept, etc.,

JOHN FORSYTH.

Baron Krudener to Mr. Forsyth.

[Translation.]

PHILADELPHIA, *June 29 (July 11), 1835.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, has received the note of June 24, which was addressed to him by Mr. Forsyth, Secretary of State of the United States. He would have made it a duty to answer it immediately, had the state of his health permitted.

The undersigned regrets that it is entirely out of his power to give any distinct opinion as to the result which might attend any steps on the part of the Cabinet of the United States to engage the Government of His Imperial Majesty to stipulate a renewal of the fourth article of the treaty of the 5th (17th) of April, 1824, which ceased to be in force last year. It being thus impossible for the undersigned to foresee the intentions of the Emperor, he can only persevere in compliance with the orders transmitted to him by the ministry, and in repeating the demand which formed the object of his note of the 19th (31st) of May. The undersigned is the more obliged to comply with this duty, as the instructions with which he is furnished on this subject are positive, and express no doubt of the readiness of the American Government to proceed to the publication requested.

The undersigned, etc., B. KRUDENER.

Mr. Forsyth to Baron Krudener.

DEPARTMENT OF STATE,
Washington, July 21, 1835.

SIR: I have received your note of the 29th June (11th July), declining to express an opinion as to the probable result of an application on the part of this Government to that of His Imperial Majesty for a renewal of the fourth article of the convention of 1824, between the United States and Russia, and reiterating the request contained in your communication of the 19th (31st) May last, that the fact of the expiration of the term limited in the article referred to should be, in some form, brought into notice, for the information of the American public. I have, in answer, the honor to state that a formal notice from the Government is not deemed necessary. All the citizens of the United States are bound to know existing laws and their rights and obligations under existing treaties. Still, however, as His Imperial Majesty's Government has especially invited the attention of this Government to the subject, an informal notice will be given through the public journals of Baron de Wrangell's warning to the captains of American vessels on the northwest coast of this continent.

I will be very happy to receive from you, as early as practicable, precise information on the measures His Imperial Majesty's Government has adopted, or proposes to adopt, in relation to the subject, as corresponding regulations may be deemed necessary by the United States in regard to Russian subjects in the event of the non-renewal of the treaty stipulation.

I pray you to accept, etc.,

JOHN FORSYTH.

Baron Krudener to Mr. Forsyth.

[Translation.]

NEW YORK, *July 14 (26), 1835.*

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, has had the honor to receive the note dated July 21, in which Mr. Forsyth, Secretary of State of the United States, in reply to his communication of June 29 (July 11), informs him that the Government of the United States intended to insert in the public newspapers an unofficial notice of the warning given by Baron Wrangell to the captains of American vessels on the northwest coast of this continent respecting the expiration of the fourth article of the treaty of April 5 (17), 1824; expressing also a desire to receive from the undersigned, as soon as possible, precise information with regard to the measures which the Imperial Government has adopted, or may adopt, on this subject, as corresponding regulations with regard to Russian subjects may be considered necessary in case the stipulation of the treaty be not renewed. The undersigned has without delay submitted to his Government the said note of the Secretary of State, and will communicate to him the results as soon as they are received.

The undersigned, etc., B. DE KRUDENER.

Mr. Forsyth to Mr. Wilkins.

No. 4.] DEPARTMENT OF STATE,
Washington, July 30, 1835.

SIR: I transmit to you, inclosed, the copy of a recent correspondence with Baron Krudener, the diplomatic representative of His Majesty the Emperor of Russia at Washington, regarding the fourth article of the convention of April, 1824, between the United States and that Empire. It will be perceived from these papers that the baron has taken occasion to remind this Government of the expiration of the term limited in that article, and to request that a notification of this fact may be given for the information of the American public. An informal notice has been accordingly published in the Globe of the 22d instant, of Baron de Wrangell's warning to the captains of certain American vessels trading with the Russian settlements on the northwest coast of America. It will also be seen that, in answer to an inquiry from this Department, Baron Krudener has declined to express an opinion as to the probable result of a proposition to His Imperial Majesty's Government for a renewal of the article referred to.

It therefore becomes necessary, and you are now authorized by the President's direction, to enter immediately upon a negotiation with the Government of His Imperial Majesty, if it should be found willing to entertain the proposition, for the renewal of the stipulations of the fourth article of the convention of the 5th (17th) April, 1824, for an indefinite period, or, if this can not be had, for a term of years.

There is reason to believe that the course pursued by the Captain Baron de Wrangell, governor of the Russian-American colonies, incidentally mentioned in the Baron de Krudener's letter of the 31st May

last, has been instigated by the Russian-American Fur Company; and it is not improbable that representations of a character similar to those made to the governor, and from the same source, have been transmitted to St. Petersburg. If prejudices exist of the nature apprehended, and tending to defeat the object now in view, they will be easily discoverable in your intercourse with the Russian minister of foreign affairs, and you will take an early opportunity to discredit them by showing that representations growing out of private interests are always to be received with great caution, and should not be suffered to influence the decision of a question which may be productive of injury to the citizens and subjects, respectively, of the contracting parties.

The motives that prompted the adoption of the fourth article of the treaty of 1824 by the parties to that convention exist now in equal if not superadded force, since it will not be denied that it has been mutually beneficial to the citizens of both, without being inconvenient to either. Serious objections on the part of Russia, therefore, to the renewal of the stipulations contained in it can hardly be anticipated. Should this reasonable expectation, however, be disappointed, it is the wish of the President that you should, without unnecessary delay, obtain from His Imperial Majesty's Government precise information in regard to the measures adopted, or proposed to be adopted, on its part in relation to the admission of American vessels into the harbors, bays, and rivers of the Russian settlements on the northwest coast of this continent, in order that corresponding regulations, if deemed necessary, may be made by this Government.

I am, etc.,

JOHN FORSYTH.

[Inclosure.—Extract from the Globe newspaper of July 22, 1835.]

It will be recollected that a convention was concluded between the United States and Russia in April, 1824, regulating various matters connected with the commerce and navigation of the two nations on the northwest coast of America. By the fourth article it was stipulated that the ships of both nations might, during a term of ten years, frequent without hindrance the interior seas, gulfs, harbors, and creeks of each nation on that coast for the purpose of fishing and trading with the natives of the country. The ten years expired in April, 1834; and we understand that formal notice has been given by the governor of the Russian colonies to the masters of the American ships then trading there that they could no longer claim, under the convention, the right of landing at all the landing places, without distinction, belonging to Russia on that coast. Those interested in the trade will not fail to observe that under the second article of the convention it is necessary for all American vessels resorting to any point on that coast where there is a Russian establishment to obtain the permission of the governor or commander.

Mr. Wilkins to Mr. Forsyth.

No. 11.] LEGATION OF THE UNITED STATES,
St. Petersburg, September 7, 1835.

SIR: The steamboat of the day before yesterday brought me your despatch No. 4, dated on the 30th July last, accompanied by a copy of a recent correspondence with Baron Krudener regarding the 4th article of the convention of April, 1824, between the United States and Russia; a copy, also, of an informal notice published in the "Globe"

of the 22d of July last, touching American vessels trading with the Russian settlements on the northwest coast of America; and an extract from a despatch of Mr. Middleton, dated 7th (19th) April, 1824, relating to the 4th article of the treaty above mentioned.[a]

I have already had the honor of apprizing you of the absence of his Imperial Majesty and his Minister of Foreign Affairs. Prince Lieven, left in the temporary occupation of Count Nesselrode's office, is unwilling to incur responsibility by taking up any matter of business which can be postponed until the return of the Minister. Immediately upon the return to the capital of that officer I shall not fail to call his attention to the fact of the expiration, by its own limitation, of the 4th article of the treaty of April 1824, between the United States and the Imperial Government to submit to him the proposition, and to endeavor to fulfil the instructions and meet the views of the President contained in the despatch which I have just received. I observed, shortly after my arrival in this city, that the term of ten years stipulated in the 4th article of the treaty had expired, and mentioned the cirtumstance in my despatch No. 3, of the date of the 27th of December last. I have not made allusion to it, upon any occasion, here, because I presumed (and so it has occurred) that the subject would engage your attention at Washington.

* * * * * * *

I have the honor to be, sir, your obedient servant,

WM. WILKINS.

To the Hon. JOHN FORSYTH,
Secretary of State.

Mr. Wilkins to Mr. Forsyth.

No. 14.] LEGATION OF THE UNITED STATES,
St. Petersburg, November 23, 1835.

SIR: In the last dispatch which I had the honor to address to you, on the 26th of September last, I informed you it was likely you would not again hear from me until after the return of the Emperor and Count Nesselrode to this capital.

His Majesty returned on the 1st instant, having been preceded a few days by his minister of foreign affairs.

Immediately upon receiving from Count Nesselrode the usual written notice of his having resumed the duties of his official station, I addressed him a note and requested him to name a day when I might have the honor of a personal conference. He mentioned the 4th instant. I waited upon him accordingly at the foreign office, and disclosed to him the wishes of the American Government in reference to the removal of the fourth article of the treaty of April, 1824, and held with him such conversation and placed the matter in that light which seemed to me the most proper and in accordance with my instructions. Upon the close of our conversation I handed to him, in writing, a memorandum of the proposal you authorized me to submit. The view in which I placed the matter and the substance of the conversation will appear (and therefore need not be more particularly detailed) by reference to the copies of the notes which I addressed to him immediately after the conference, simply noting two observations which fell from him. * * *

I have, etc.,

WM. WILKINS.

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[a] See *ante*, page 75.

[Inclosure 1.]

Memorandum.

ST. PETERSBURG, *Oct. 23, (Nov. 4) 1835.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, in reference to the subject upon which he has this day had the honor of a personal conference with his excellency Count Nesselrode, Vice Chancellor of the Empire, submits to the Imperial Ministry the following distinct proposition in behalf of the American Government: To renew the stipulations of the 4th article of the convention of the 5th (17th) of April, 1824, between his Imperial Majesty the Emperor of all the Russias, and the United States of America, either for another term of ten years, or for an indefinite period.

WM. WILKINS.

Mr. Wilkins to Count Nesselrode.

ST. PETERSBURG, *November 5, 1835.*

Mr. Wilkins, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, presents his respects to his excellency Count Nesselrode, and has the honor to enclose him the extracts spoken of yesterday, from the conventions of the United States of America with Great Britain, dated on the 20th of October, 1818, and the 6th of August, 1827.

Mr. Wilkins also, as it affords a satisfactory reply to an observation which fell from his excellency yesterday, transmits a copy of a law of Congress, passed on the 19th of May, 1828, providing for the punishment of contraventions of the fifth article of the treaty of April, 1824. The attention of the Imperial Ministry is called to this law, because it affords manifest proof of the integrity of purpose on the part of the Government of the United States, and its disposition to secure the fulfilment of its stipulations with Russia.

Mr. Wilkins prays his excellency Count Nesselrode to accept the assurance of his high consideration and respect.

[Inclosed in Mr. Wilkins's note of Nov. 5.]

AN ACT for the punishment of contraventions of the fifth article of the treaty between the United States and Russia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any one, being a citizen of the United States, or trading under their authority, shall, in contravention of the stipulations entered into by the United States with the Emperor of all the Russias, by the fifth article of the treaty, signed at St. Petersburg, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and twenty-four, sell or cause to be sold, to the natives of the country on the northwest coast of America, or any of the islands adjacent thereto, any spirituous liquors, fire arms, or other arms, powder or munitions of war of any kind, the person so offending shall be fined in a sum not less than fifty nor more than two hundred dollars, or imprisoned not less than thirty days, nor more than six months.

SEC. 2. *And be it further enacted,* That the superior courts in each of the territorial districts, and the circuit Courts and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be first apprehended or brought for trial, shall have, and are hereby invested with, full power and authority to hear, try and punish, all crimes, offences and misdemeanors, against this act; such courts proceeding therein in the same manner as if such crimes, offences and misdemeanors, had been committed within the bounds of their respective districts.

Approved, May 19, 1828.

[Inclosure 2.]

Mr. Wilkins to Count Nesselrode.

ST. PETERSBURG, *November 1 (13), 1835.*

* * * * * * *

Notwithstanding his very recent conversation with Count Nesselrode in reference to the proposition of the American Government to renew the expired fourth article of the treaty of April, 1824, the undersigned will embrace the present occasion to repeat

part of individual gentlemen of the first respectability, ought to influence the action of Governments upon a question of general import and affecting national and amicable intercourse, is not for the undersigned alone to determine. It is enough for him to know that the views in 1824, which produced the provision contained in the fourth article, have been tested by experience, and the results being mutually beneficial and convenient prove their propriety.

To justify the presumption that the annual visits of American ships in the prosecution of their adventures upon the northwest coast are sometimes very convenient and must be beneficial to the Russian settlements and ports in that distant and not productive climate, the undersigned takes leave to refer to a contract made within a few days by the Russian American Fur Company with an American citizen for supplies to their agents and ports for the ensuing year.

Should the undersigned, however, be disappointed in the reasonable expectation he has formed, and the Imperial Government be unwilling to entertain the proposal to renew, either indefinitely or for another term of years, the provisions of the article of the treaty referred to, he requests that his excellency Count Nesselrode will do him the favor to inform him in regard to the measures adopted, or proposed to be adopted, on the part of Russia in relation to the admission of American vessels into the harbors, bays, and rivers of the Russian settlements on the northwest coast of the American continent. The happy understanding which prevails between the two Governments, the desire to avoid any casual difference, and the probable necessity for corresponding measures, will readily indicate the motives which prompt this request.

The undersigned can not close this note without repeating, very earnestly, his wish to be put in possession of the answer of the imperial ministry upon the two subjects to which their attention is directed.

The undersigned, etc.,

WM. WILKINS.

[Inclosure 3.]

Count Nesselrode to Mr. Wilkins.

ST. PETERSBURG, *November 8, 1835.*

The undersigned, as he had the honor to announce, did not fail to submit to the department of finance the subject of the memorandum addressed to him on the 23d October (4th November) by Mr. Wilkins, envoy extraordinary and minister plenipotentiary of the United States of America, respecting the renewal of the fourth article of the treaty of April, 1824.

The undersigned, as soon as he has obtained the opinion of the proper authorities and received the orders of the Emperor, will immediately communicate to Mr. Wilkins the point of view under which the proposition of his Government is regarded here. He, however, requests Mr. Wilkins to bear in mind that the Imperial Government, in examining this proposition, will lose sight of none of those considerations which should induce it more strongly to cement the amicable relations now existing between the two Governments.

Contenting himself for the present with this answer to the note of Mr. Wilkins of the 1st (13th) of November, the undersigned seizes, etc.,

NESSELRODE.

[Inclosure 4.]

Mr. Wilkins to Count Nesselrode.

[Extract.]

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note bearing date yesterday, addressed to him by Count Nesselrode, Vice Chancellor of the Empire, by which he observes that his excellency has submitted to the Minister of Finance the proposition of the American Government for the renewal of the fourth article of the treaty of April, 1824.

However forcibly impressed the undersigned may be with the necessity of as early a decision of this question as may be practicable with the Imperial Ministry, he will await, with pleasure, the final result of the course adopted by Count Nesselrode.

* * * * * * *

WM. WILKINS.

(Nov. 9, 1835.)

Count Nesselrode to Count E. F. Kankreen.

[Translation.]

DEAR SIR: Acting upon your report, dated December 7th, last, (No. 3782) concerning the expiration of the term of ten years, stipulated in Article IV of our Treaty with the United States of north-America as the term of free navigation for our ships in the waters of our local possessions, I considered it my duty to instruct our Minister in the United States, Baron Krudener, to direct the local Government to inform those whom it may concern that on the expiration of the term, the captains of the ships should have no further right to penetrate the Russian dominions north of 50° 41′ [sic] latitude for the purpose of trading with the natives.

Trusting that Russia would renew the aforesaid article of the Treaty, the American Government was unwilling to fulfill Baron Krudener's request, upon the ground that any announcement concerning the question would be superfluous, inasmuch as every American Captain should have cognizance of all provisions of the existing treaties and is therefore bound to know, that he had no longer the right to approach the coasts of our American dominions.

In refuting this objection, Baron Krudener cited the cases of the Captains Snow & Allen who, notwithstanding the expiration of the term of ten years, wished to sail as before from Novo-Archangel into the straits declaring that they had not been informed by their Government of the fact. On our Ambassador's urgent request an announcement (a translation of which document is hereto annexed) was at last inserted in the American newspapers in regard to the expiration of the term mentioned in Article IV of the Treaty of 1824, relating to the navigation of American ships in the waters of the Russian colonial possessions.

Supposing that our Government would use some severe measures against those American captains, who, notwithstanding this notice, should sail into our shores as before, the Secretary of State, Mr. Forsyth, asked Baron Krudener in a note,—(the translation of which is hereto annexed) to inform him how they would be treated in such cases, in order that the United States might likewise consider the measures to be taken against Russian subjects, in case the clause of the Treaty should not be renewed.

Now the American Minister, Mr. Wilkins, has officially proposed to me the renewal of the fourth Article of our Treaty concluded with the United States on April 5/17th, 1824, for ten years more or for an indefinite time. I, therefore, apply to you, Sir, begging you to give me your opinion on this subject.

In case you should find it against the interests of our Government to renew the right of navigation which American ships enjoy in our dominions in North America, I find it advisable to draw your attention to the aforesaid question of the Secretary of State Forsyth concerning the measures which would be taken against such American captains as, notwithstanding the expiration of the term, should arbitrarily sail into our straits; and I beg you, Sir, to inform me what answer I am to give upon this subject to the American Government.

You know, Sir, that a similar convention was concluded in 1825 with the Government of Great Britain concerning the navigation in our dominions in North America, although the British Government has

not yet taken any steps looking towards the renewal of this Treaty, it is to be supposed that the London Cabinet is likely to make a similar proposition, in case Russia consents to renew the Article with the United States. As England has already renewed in 1827, for an indefinite term, its convention with the American Government concluded October 20, 1818, governing the rights of navigation of their respective subjects along the north-west coast of America, it will most likely wish to do the same with us.

(Signed) Count NESSELRODE.

October 30, 1835.

Mr. Wilkins to Mr. Forsyth.

No. 16.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 11, 1835.

* * * * * * *

SIR: As I anticipated, when I last wrote, I held with Count Nesselrode, at the foreign office, on Monday last, the 7th instant, a personal conference upon my proposition to renew, either indefinitely or for a term of years, the fourth article of the treaty of April, 1824, and I regret to be compelled to say that, in this effort, at all events for the present, I have been unsuccessful; and I presume the overture will be finally altogether rejected, unless some new and, to me, unforeseen circumstances turn up.

I was well aware that I should have to encounter the decided opposition of the Russian American Fur Company; and in presenting the subject to the vice-chancellor in the various lights in which it struck my mind, I took the ground that it was not a mere interested and selfish question of gain in the traffic upon the northwest coast, but one of a higher character, involving political and national considerations; that whilst I was very willing to admit the more active commercial enterprise and superior shipping of the citizens of the United States, yet this was a question not to be decided by such circumstances, but should turn upon the consideration of our national good will and our amicable and disinterested reciprocal intercourse. * * *

Inasmuch as it seemed to me, by the language of your instructions, that you preferred an indefinite revival of the fourth article, I drew up, to that effect, the form of a treaty, following, as a precedent, the articles of our convention with England of the 6th of August, 1827; which I submitted to, and, at his desire, left in the possession of Count Nesselrode. A copy is herewith transmitted.

At the close of the conference, I requested Count Nesselrode to give me his reply in writing. He acquiesced, and accordingly sent me his official note, dated on the 28th ultimo (old style), and a copy of which I have also the honor to inclose to you.

During our conference, I did not feel myself authorized to call the attention of the Imperial minister to what might, or probably would be, the construction by the United States upon the treaty, with the fourth article extinct; nor what rule of the law of nations would be considered as applicable to the case, and controlling the trade upon a wild and extensive American coast, of a great and open ocean, and still, with the exception of a very few posts at a vast distance from each other, in the rightful occupancy of the natives, and to which, I

believe, the sovereignty of Russia has not yet, in any treaty or convention, been admitted.

I found, also, upon turning to the treaty of 1825, between Russia and Great Britain, subsequent to writing my note of the 1st (13th) of last month to Count Nesselrode, that my reference therein to the first and eleventh articles of our treaty of the 6th (18th) December, 1832, with this country had no bearing upon and was inapplicable to the question I was then discussing; because the stipulations in their treaty with Great Britain, similar to that contained in our fourth article, were likewise limited to ten years, and had expired in February last. At the interview on Monday last I gave this explanation to Count Nesselrode, who answered my observations by saying that England had not yet applied for a revival of the mutual privilege, and if it should be agreed to with that power, would, of course, and of right by treaty stipulation, be immediately given to the United States.

As the answer I have received is of a positive character and cannot be evaded by me, it in reality postpones this question until late in next summer—in all probability until the autumn—because the voyage is one of several months—and Governor Wrangell will not leave the North West Coast until the opening of the navigation next season. Indeed, I believe, it is well understood that he is only now ordered home, in consequence of the affair which occurred in 1834, under his administration, with a vessel of the British Company and which is substantially detailed in the annexed publication taken from the English newspaper "The Times".

* * * * * * *

I am informed that our vessels generally trade between latitudes 50° and 57°, and, occasionally, go still further north. The English are always to be found on the coast, have trading-posts established along it, some of which are south of latitude 54° 40'.

The principal establishments of the Russians are called Sitka and New Archangel, towns situated upon adjacent islands of their respective names, off Norfolk Sound, and in latitude 57° north. Archangel is their chief place, where they keep up a garrison, established in 1800, of about seven hundred men. They have other trading-posts, and two or three small garrisons between Behring's Straits and Sitka. In the winter season, when their people are all collected at the posts upon the coast, they amount to about two thousand. They now build vessels upon the coast, and are increasing the number. Last year they had four or five ships of a burden from 175 to 250 tons, and seven or eight sloops, or smaller vessels, of about 100 tons each.

* * * * * * *

I have, etc., WILLIAM WILKINS.

[Inclosure 1.]

Draft of a convention renewing indefinitely the fourth article of the treaty of the 5th (17th) of April, 1824, between the United States of America and the Emperor of all the Russias.

ART. I. The provisions of the fourth article of the convention, concluded between the United States of America and His Imperial Majesty the Emperor of all the Russias on the 5th (17th) of April, 1824, shall be, and they are hereby, renewed and indefinitely extended and continued in force in the same manner as if all the provisions of the said article were herein specially recited.

ART. II. It shall be competent, however, to either of the high contracting parties, in case either should think fit, at any time after the 1st day of January, 1837, on giving due notice of twelve months to the other party, to annul and abrogate this convention, and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

ART. III. Nothing herein contained shall be construed to impair, or in any manner affect, further than is expressly declared above, any of the provisions or stipulations contained in the aforesaid convention of the 5th (17th) of April, 1824.

[Inclosure 2.—Translation.]

Count Nesselrode to Mr. Wilkins.

ST. PETERSBURG, *November 28, 1835.*

The Imperial Government having taken into consideration the proposition made by that of the United States, to renew the fourth article of the convention of 5th (17th) of April, 1824, has been convinced that it was impossible to pronounce upon that subject until information had been received from the places where the said article would be enforced, sufficient to authorize an opinion upon the propriety of such a measure. The Imperial Government can not, however, expect to receive such information until towards next spring, when it may be obtained from some of its officers, whom a long residence on the northwest coast of America has enabled to become well acquainted with the interests and wants of the Russian establishments in those countries, as well as the influence already exercised upon their prosperity by the provisions of the said fourth article.

* * * * * * *

NESSELRODE.

Mr. Forsyth to Mr. Dallas.

No. 2.] DEPARTMENT OF STATE,
Washington, April 19, 1837.

SIR: I am directed by the President to invite your early attention to the subject of the 4th article of the convention of April, 1824, with Russia. This article secured to the vessels of the contracting parties the reciprocal right of frequenting for the purpose of fishing and of trading with the natives, the interior seas, gulfs, havens, and creeks upon the northwest coast of this continent. Its stipulations were limited to the term of ten years, and expired in 1834. In the following year this Government having been reminded by the Russian minister here of the expiration of the term limited in the article, instructions were given to Mr. Wilkins in July, 1835, to which you are particularly referred, to offer a proposition to the Government of his Imperial Majesty, for a renewal of its stipulations, either for an indefinite period or for a term of years; and, if serious objections were entertained on the part of the Russian Government to entering on such negotiation, Mr. Wilkins was requested to obtain precise information in regard to the measures adopted, or proposed to be adopted, by his Imperial Majesty, in regard to the admission of vessels of the United States into the harbors, bays, and rivers of the Russian settlements on the northwest coast of America, in order that corresponding regulations, if deemed necessary, might be adopted by this Government. Under these instructions, the subject was accordingly presented to Count Nesselrode in November of the same year, and in December following a note was received from him acquainting Mr. Wilkins that the Imperial Government thought it expedient to post-

pone a decisive answer to the proposal of the United States, to revive the stipulations of the 4th article of the convention of 1824, until the arrival of some of its officers from the northwest coast, who would be able to furnish such information on the subject as would authorize an opinion upon the propriety of the measure. Since the receipt of the note last referred to, no further step has been taken by this Government, or its diplomatic representative at St. Petersburg, in relation to the matter in question. The arrival at that capital, during the last summer, of the Baron Wrangell, formerly Governor of the Russian possessions in North America will have afforded the Government of his Imperial Majesty an opportunity of obtaining the information desired. It is, therefore, the wish of the President that, as soon as convenient after your arrival at your post, you should remind the Count Nesselrode that no definitive answer has yet been given to the communications of Mr. Wilkins on the subject of the renewal of the 4th article of the convention of 1824; that a decision is anxiously looked for, and that the hope is entertained that his Imperial Majesty's Government is now prepared to take a favorable view of the proposition. In executing this duty, however, it will not be necessary to repeat the call for information as to the regulations which, in the event of a refusal to renew the 4th article of the convention, his Imperial Majesty's Government may propose to apply to the vessels of the United States frequenting the Russian Settlements on the northwest coast. Such official inquiry may very properly be suspended until you shall have ascertained that some measures affecting our intercourse with those possessions have actually been adopted by the Russian Government, in consequence of the expiration of the 4th article of the convention.

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I have, etc. JOHN FORSYTH.

NOTE.

The despatch No. 2, April 19, 1837, from Mr. Forsyth, Secretary of State, to Mr. Dallas, United States Minister in St. Petersburg, was followed by a dispatch from Mr. Forsyth, May 4, 1837, to Mr. Dallas, instructing him to present to the Russian Government the claim for indemnity of the American brig *Loriot*. This vessel had sought to land in August, 1836, at one of the islands west of Prince of Wales Island, about latitude 54° 45′ north, for the purpose of intercourse and trade with the Indians, and had been driven away by a Russian armed brig and her voyage defeated, on the ground that the ten years' privilege of trade granted to American vessels under article four of the Treaty of 1824 between Russia and the United States had expired.

The correspondence respecting the renewal of the ten years' privilege and the claim of the *Loriot* for indemnity, which will be found in Senate Ex. Doc. 1, 25th Congress, 3rd. Session and reprinted in Senate Ex. Doc. 106, 50th Congress, 2nd Session, was concluded in 1838 by a declination to renew the ten years' privilege and by a denial of all responsibility for damages on account of the *Loriot*.

NOTICE ISSUED BY THE UNITED STATES GOVERNMENT IN 1845.

[Published in Fur Seal Arbitration Papers, Congressional edition, Vol. 2, Appendix Vol. I, Case of the United States, p. 91.]

UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

To all whom these presents shall come, greeting:

I certify that a notice, of which the annexed is a copy, was, at the direction of this Department, published on the 26th day of September, 1845, in the Daily Union newspaper of the city of Washington.

In testimony whereof, I, John W. Foster, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 1st day of August, A. D. 1892, and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL] JOHN W. FOSTER.

DEPARTMENT OF STATE,
Washington, September 26, 1845.

The Russian Minister at Washington has informed the Secretary of State that the Imperial Government, desirous of affording official protection to the Russian territories in North America against the infractions of foreign vessels, has authorized cruisers to be established for this purpose along the coast by the Russian-American Company. It is, therefore, recommended to American vessels to be careful not to violate the existing treaty between the two countries, by resorting to any point upon the Russian American coast where there is a Russian establishment, without the permission of the governor or commander, nor to frequent the interior seas, gulfs, harbors, and creeks upon that coast at any point north of the latitude of 54° 40′.

PAPERS RELATING TO RUSSIAN OCCUPATION UP TO THE CESSION TO THE UNITED STATES IN 1867.

Memoranda on Russian Marine Map on file in the Hydrographic Department of the Ministry of Marine at St. Petersburg.

[Translation.]

MINISTRY OF MARINE.
Hydrographic Department.
No. 2629/2223.

MARINE MAP.

Marine map of the northeastern part of Asia and northwestern part of America, from the port of Okotsk to Kotka, including the western part of America, from Cape Alais till Cape Chiricov, discovered and annexed to the Russian Empire by the notable citizen Gregory Schelikov in the years of our Lord 1782 and 1788. The most important places are shown minutely under different numbers at the end of this map.

BRIEF CONTENTS RELATING TO THE ANNEXION OF AMERICAN LANDS.

Gregory Schelikov like other Russians had often been sailing from Okhotsk to the Aleut Islands, and backwards, returning with cargoes of furs. In the year 1782 he was the first who had the boldness, without landing at the isles Aleut, to sail further towards the East, hoping to find some unknown lands and tribes, and to obtain benefit by making exchanges of goods. Continuing his way passing by Alais, he perceived before him firm land, entered its bay and named it "bay of the Tri Sviatitelia" (three saints). There he learnt that this land is a large island with some other smaller ones, named Kikhtan (no 1) that it lies not far from the mainland of America, and that the inhabitants of this island and of the mainland coast are called Keniagui; that they are subjected to nobody, having no king or chief, but are ruled only by the eldest of their families, who assemble on great occasions and hold councils. He exchanged his wares for furs, treated the natives very friendly, honoring their eldest with little presents, consisting in colored glass beads, and brought the whole tribe—about 30,000 in number—into the subjection of Russia; and, as this tribe was at this time at war with neighboring tribes called Kenites and Choochachees, he (Schelikov) caused them to make peace and be friends, and made presents to all that were present at the peace-making feast, the presents consisting in glass-beads and cheap sundries; and then he brought also the Kenites and the Choochachees into Russian subjection. All these tribes showed great respect and unlimited obedience to their pacifica-

tor, and he was much pleased by that and remained over winter; and in order to make them more firm in their devotion to Russia, he founded a school for the native's children, causing them to learn Russian scripture, arithmetics and music, appointing to that purpose part of his own property. After that he discovered in the north-eastern corner of Kikhtan, in St. Paul's bay, a very good harbour (No. 2).

In the year 1788 on May the 1st, Schelikov taking with him stores of various wares useful to the natives sailed from the island Kikhtan, on board his galiot, to the main-land of America. On May the 9th he entered a harbor situated between the island Khlipakhlin and the main-land (No. 3), and held exchange trade paying for a beaver skin nine threads of blue beads and three small golden balls, and for beaver tails and otter skins paid five golden balls each. Afterwards he dug, on the island Kiluwat lying in the midst of the strait, a hole in the ground, and put there a copper plank with the inscription on it: "Land of the Russian Crown."

On May the 21st he came to the islands Tkhalkha, entered a harbour and named it "Sts. Constantin and Helena harbour" (No. 4); there also he held trade, exchanged sundries for furs, and also hid on that spot, in the ground, a copper plate with a similar inscription.

On June the 1st, sailing to the isle Kaian, near the main-land, he learnt from the natives that the mainland is inhabited by a tribe, called Ugalakhmutes, neighbouring to the west with the tribe Choochachees, to the east with the Kolajees. The mainland coast is of middling height and at a far distance high hills are seen, one of them being higher than the others, which one is the very mount St. Elias (No. 5).

On June the 8th continuing his way to the South east, he saw a bay; sailing thereto he perceived a band of natives, rowing towards his galiot, in four boats (baidaries), adorned with beaver-skins hanging on posts; with the help of these natives—the wind having fallen—Schelikov could enter the bay, dragging the galiot by tow, and laid her on anchor The natives were clad in beaver, sables, martens-glutton and badger skins. There Schelikov learnt that this bay is called Yakutat (No. 6) and the tribe living in that part of the main-land is called Kolu jees; they obey to a chief, named toune-ilkhan (meaning the eldest or ruler); he is living near a large river, called Chilcate, southwards from the bay Ltua; this tribe is neighboring to the south with the tribe Ugalaitzy. Schelikov held trade there till the 12th of June on which day came the toune-ilkhan, in several boats, with 170 men, of which many had white faces and light hair; which led to suppose that they were descendants of the pilot Dementiew and twelve men of the crew, left on shore by the captain Chiricov, an D. 1741. The said Toune was received very friendly, entertained, presents were given to him, and, after some conversation, he consented, with his eldests to become subjected to the Russian Crown; on which decision he was presented with the insign in copper of the Russian double headed eagle, to be worn on the breast.

On June the 16th, the toune came again, wearing the Russian insign sown on his beaver mantle. He had brought with him his artist, and asked permission to take exact copies from the portraits of the Imperial Family, which were hanging on the cabin-walls; and this desire of the toune was satisfied by the said portraits being given to him; which present he accepted with great joy, the same being displayed, as usual

there, by means of loud shrieks and great clamours; after which, in token of his fidelity, he offered an iron paw, or clutch like that of a raven, which is held sacred by these Kolujees, as an idol.

On June 18th, a copper plate was dug into the ground, bearing the mentioned inscription. The exchange was carried on till June the 21st on which day the galliot sailed off, the Kolujees following, asking with great insistence to come next summer and do trade with them.

On June the 21st the voyage continued towards South-east. On July the 3rd entering a bay, Schelikov learnt from the natives coming to do business that it is named bay Ltua, and the tribe living there Kolujees; from this bay southwards till cape Chiricov where the pilot Dementiew with several sailors had been left on shore, the distance is 78 versts; this cape—as shown by Russian and newest French maps, drawn according to the travels of Cook, de Lapeyrouse, Dawson and Mear—lies on the 56° of northern latitude. On July the 9th came with several boats a toune-taikoon-tekhtuial, subject of the toune-ilkhan, and was also received very friendly and entertained; presents were given to him and he was brought to acknowledge his subjection to the Russian Crown. Among other sundries he received the ensign made in copper of the Russian eagle to be worn on the breast. Trade was carried on till July the 5th, and on that day a copper plate was again put into the ground. On July 9th the return voyage began sailing back to island Nykhtan; where they arrived on July the 15th.

On examining the stock of furs obtained by way of exchange, Schelikov found that its value amounted to half a million of roubles, and was astonished not so much at the great benefit obtained, as at the subjection to the Russian Crown of so many tribes, by such easy and simple means. On sound reflection he understood that all that occurred so by God's will, deigning to favor the elevation of Russia to glory, because every where Russia's name has been pronounced, there the populations with eager readiness obeyed and recognized subjection.

In the year 1794 Schelikov received by Imperial order the grant of an archimandrite with clergy and ten families of peasants appointed to settle on the mainland of America (No. 7) and on the 18th Kurile Island (No. 8); these for the beginning were forwarded at his Schelikov's charge to the island Kikhtan and settled near St. Paul's harbour (No. 2), where a fortress, a church and houses were built. Now, more than 7000 Koniaguis and a great number of Kenaitzy and Choochachees are converted to the Christian faith.

In the year 1795 on June the 20th, Schelikov died, leaving the business founded by him to be continued by his heirs.

Particulars concerning the composition of this map in the year 1795; the north eastern part of Asia, with the Kamchatka, the Aleut islands and the Kuriles islands, was drawn from Russian maps; the north western part of America from cape Alais till the Arctic Ocean—from a map of Mr. Kuhn; from cape Alais till the gulf Ltua—from Schelikov's maps; from gulf Ltua till cape Chiricov—from Russian and newest French maps; from cape Chiricov till Kotka, drawn from the same French maps.

Voyage of Ismailof.

[From Account of the Russian Discoveries, by William Coxe, London, 1803.]

Period III. Chap. 3.

Quit Prince William's Sound—Steer to the Island Atchaka, or Vancouver's Middleton's Island—Kill a Chief who attempted to assassinate one of the Russians—Sail to Koiack or Kaye's Island—Description—Proceed along the American Coast—Visited by the Natives—Anchor in the Bay of Yakutat, or Port Mulgrave—Description of the Dwellings, Manners, &c. of the Inhabitants—Visited by the Chief Ilchack.

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By these efforts the galliot was drawn into the bay[a] and from thence into a small harbour which lies on the eastern side. Here we anchored not far from the shore in ten fathoms on a sandy bottom, opposite to some habitations of the natives. But as this situation was not judged sufficiently safe, we towed the ship into an adjacent harbour smaller, but more secure, called in the language of the country Yakutat; on the 12th at four on the morning, we anchored in twelve fathom on a muddy bottom.

During our stay in these parts we carried on a friendly traffic with the natives. Their scattered habitations are square, the outside made of earth, and the inside of wood; the top is covered with the bark of firs, and provided with square openings in the midst of the roof, which serves the purpose of a chimney. The wooden part is made by driving into the ground four poles of about two arshines in height, to which cross-beams are fixed. The roof is sloping and formed of planks, resting on the cross beams, which meet in the square opening. The entrance is on the side, and instead of a door is covered with mats twisted from grass and other materials.

The greater part of the inhabitants had quitted their winter huts, and for the purpose of procuring provisions, were gone out in canoes and boats, which resemble those used at Kamtchatka. These people bear the name of Koliuski, and fix their dwellings on the banks of the different rivers. Besides an inferior Toion, they are all subject to a superior Toion, who is called Ilchak. We were informed by the natives that this Toion, with one hundred and fifty of his subjects, exclusive of children, visited this place in baidars. He has two sons, whose names are Nekchut and Chink, and his principal residence is on the coast to the south east, much farther than the great river Tschitiskat. It borders on the frontiers of the people called Tfchitskanes, who, like the Koliuski, are at enmity among themselves, and often assault each other. This Toion rules over all the Koliuski, who inhabit the coast, as far as the bay of Yakutat, which is the last place in his dominions. This bay is frozen later than the end of July. According to information from the natives, it receives two considerable rivers; and at the departure of the ice is frequented by many sorts of fish.

[a] The outward bay seems to be Dixon's Admiralty Bay, and Vancouver's Beering's Bay; the inner harbour, or the bay of Yakutat, Port Mulgrave. La Pérouse calls it Baye de Monti. Vancouver mentions that a party of Russians, with nine hundred natives of Kadiak and Cook's Inlet, had extended their excursions to Port Mulgrave. Vol. 3, p. 206.

The islands and shores of the bay abound in the same trees as are to be found near that river whose mouth was frozen, and which we before visited.

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On the 15th of June, Ilchak the Toion of the Koliuski, came to the ship, in company with a native artist, who painted according to their fashion, on wooden planks and other materials. Being admitted into the cabin he was much struck with some portraits, and requested a particular description of the persons whom they represented. Although we had already given the Toion and his subjects an account of these august personages, we again gratified his wishes. "One of these is, the portrait," we said, "of her Imperial Majesty, the all-gracious, and all-powerful Sovereign of the great Russian Empire. The other represents the Great Duke, her successor in the Russian throne, and his wife, the Great Duchess. The remainder are the resemblances of the Great Dukes and Lords, their descendants. Numerous people who inhabit the vast extent of the Russian Empire submit to the power of these illustrious personages." The Toion heard this explanation with veneration and astonishment, and we strengthened this impression by adding, "the Russian monarch and her successor are extremely gracious, and diffuse in their blessings among innumerable people. They also pay indefatigable attention to the welfare of all those nations who border on the Russian Empire, and have no protector; employing all possible means to preserve them in content, peace, and security. The Russian protection extends even to this district, to such a degree that no strangers would venture to give the smallest molestation to so favoured a spot." As a still further proof that all this part of the American continent and islands enjoyed the protection of the Russian Empire, one of the copper coats of arms was produced, and after a suitable compliment delivered to the Toion. He was requested to wear it upon the fore-part of his garment, as it would serve as a mark of fidelity, and protect his subjects against all foreign ships.

The Toion having listened with attention to these representations, received the coat of arms with extreme joy, and returned to his habitation.

On the 16th the Toion paid another visit to the ship, in company with two elders; he wore on his sea-otter mantle the coat of arms fastened with red serge, which he had before received from us. After many compliments he earnestly entreated that in memorial of the great successor to the Imperial throne, he might be gratified with one of the portraits which he had seen in the cabin, and as there happened to be on board two engravings of the Great Duke, one of them was delivered to him, with this inscription in the Russian and German languages: "His Imperial Highness Paul Petrovitch, successor to the throne of all the Russias," and "Sovereign of the Dutchy of Holstein." Above was also written:

In June, 1788, the Factor of the company of Golikof and Schelekof, the pilots Geraffin Ismaelof, and Dimitri Betscharof, of the galliot, the Holy Fathers, with forty men, being in the bay of Yakutat, carried on a considerable traffic with the Toion Ilchack and his subjects the Koliuski, and finally received them under the protection of the Russian Empire. As a memorial of these events, we gave the said Toion a Russian coat of arms, on copper, and this engraving of his Imperial Highness the successor to the Russian throne. Orders are hereby given to all Russian and foreign ships sailing to this place, to treat this Toion with cordiality and friendship, without omitting the necessary precautions: the said pilots who anchored here in the galliot from the 11th to the 21st of June, experienced from the Toion and his people, the most friendly behavior.

After writing this inscription, the portrait was delivered to the Toion, who received it with extreme satisfaction, and as customary, with an extatic shriek. As a proof of his subjection to Russia he gave on his part an iron image of a crow's head, which he considered as sacred; a bag wove from grass, and striped with various colours; six sea-otter shirts, also a leathern and wooden table which were painted with divers colors, and inlaid with stones. After remaining a considerable time on board, the Toion and the elders returned on shore.

On the 18th of June the Russians landed and buried another copper-plate in a place which was accurately specified; and as from the information of the natives the place abounded in fish, they remained on the place to the 21st, to lay in a stock of fresh provisions.

The Tlinkit Indians.

[Historical review by Dr. Aurel Krause, Jena, 1885.]

[Translation.]

[Page 39.] Forming of a company in 1781 by Gregor Schelechow and Ivan Golikow with the avowed purpose of reviving the fur trade. Equipping of three vessels at Ochotsk where the former embarked for the coast of America and took possession of Kadiak Island. Ukase of Empress Catharine in 1788 guaranteeing protection to the company and a second ukase in 1790 remitted the annual tribute which the natives have been paying.

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In 1790 Alexander Baranow, a merchant of Kargopol, went to Kadiak to continue the exertions of his friend Schelechow, succeeded by his wonderful activity and soon came in contact with the Tlinkit or Kaloshes, as the Russians call them. Prior to this the Greek Delarow, manager of Schelechow's Company, had sent out two men, Ismailow and Botocharow to explore the American Coast and bring the natives under Russian rule. On Yakutat Bay they found Chief Ilchak who belonged at the great river Tschilkat, but who had come to the bay with a number of his tribe for the purpose of trading. As a token of his submission the Russians bestowed on Ilchak a copper Russian coat of arms and a likeness of the heir to the throne which bore the inscription in Russian and German:

In the year 1788 in the month of June the seafaring men of the Galikof and Schelechof company, Ismailof and Dmitrii Botcharof happened to be on board their vessel with a crew of 40 men in the bay of Yakutat where the inhabitants have a different religious creed, and where the Russians had loving and friendly social intercourse with the native chief Ilchak and the Kolosh people that owe him allegiance, and the Russians had considerable commercial dealings with them and at last induced them to come under the protection of the Russian throne as a token and in commemoration of which they bestowed upon said chieftain a copper Russian coat of arms and this copper print representing His Imperial Highness the heir to the Russian throne. Therefore all who may come here in Russian or foreign ships are admonished to treat this Chief Ilchak lovingly and amicably, using precautions which every one has need of—said seafaring men who were here in their vessel from June 11 to 21, observed no sign of mischievous conduct on the part of the chief and his people and went safely to sea again.

On their exploring the country, the Russians arrived at the Rivers Antlin, Kalcho, Altsech and Kakanin names which they learned from Kolsoch boys that were with them and landed finally in the Bay of Litaja. The chief who ruled here, likewise received a Russian coat of arms and as a token of Russian sovereignty over the country a copper plate was set into the ground.

Baranow himself first met with the Tlinkit in 1793. He with a few followers and a small number of Alentians had gone in leather canoes to the Tchugatschian Bay in order to become acquainted with the natives, when he was attacked by Yakutat Koloshes who were on the march against the Tschugatsch Indians for the purpose of making war on them. The Yakutat in the darkness of the night had no idea of the presence of Russians—Before the combat was ended each side had lost heavily.

In 1795 Baranow sailed in the ship "Olga" to Yakutat Bay, established amicable relations with the natives, and with great eclat planted the Russian flag on the shore and then continued on to Tschilkat Bay with 30 men where he in every possible place had crosses erected with the inscription: "This Land is Russian Territory".

In 1796 Baranow repaired again to Yakutat Bay and during a two months sojourn founded a Russian colony which he named "New Russia". The most eminent of the native chiefs paid Baranow a visit and offered as hostage some of his own children and other relatives.

Schelechow's death occurred in 1795. The Russian American Co. was accorded extensive privileges by ukase of Emperor Paul, for 20 years, including the entire coast north of the 55th degree of N. latitude. Baranow remained Director of the Colonies &c. for 30 years.

The Tlinkit Indians during the winter of 1804 had lived scattered, but they united again and built a new fort on Chatham Strait opposite Chutsinn. On invitation from Baranow the Tlinkit sent envoys and concluded a treaty of peace.

Langsdorff, a traveler, accompained by an American trader named Wolf, visited the new Tlinkit settlement on Chatham Strait in 1805, and found the place and fort inhabited by about 1400 natives.

Baranow was succeeded in 1818 by Capt. Hagemeister as Governor. His successor was Muraview from 1821 to 1826. Under his administration an important measure was inaugurated by which the relations between Russians and Tlinkit Indians were materially improved.

As many as a thousand of them were allowed to settle with their families and property close to the Russian settlements. This gave the Russians better control over all the Indian tribes. (See Lütke, Voyage autour du monde I, 112.)

[Page 66.] Renting of territory at the mouth of the Stakhine River to the Hudson Bay Co. for 10 years from June, 1840 in consideration of the annual rent of 2000 Columbian Otters—Renewal for 10 years in 1849.

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From 1840 to 1845 Etolin was director of the colonies. He instituted a measure which largely contributed towards bringing about more friendly relations between the Russians and the natives. In 1841 he invited the natives to a fair at New Archangel where the guests were hospitably feasted and banqueted. After the affair had been announced in all adjoining settlements of the natives, about 500 of the most distinguished Tlinkit gathered in a building which had been

erected for that purpose near the fort. The Government issued a decree for the repetition of these fairs from time to time.

In 1841 and 1842 George Simpson made a tour of inspection through the territory of the Hudson Bay Co., on which occasion he also paid a visit in company with Mr. Freimann, of the Russian American Co., to the Russian Possessions in America. Simpson journeyed through Canada over land to Fort Vancouver on the Columbia River, where he embarked for the North in a long boat propelled by steam (steam launch) in order to investigate the condition of the different posts along the shores, particularly the recently established Forts Stikine and Taco on the strip of coast rented to the English by the Russian American Co. After a lengthy visit to Sitka on two different occasions Simpson returned to Europe by way of Siberia. His book furnishes a good deal of information regarding the natives of British Columbia, as well as in regard to the Tlinkit, Sitka, Stakhin, and Taku Indians, which are very interesting.

In order to bring about a closer union between the Tlinkit and the Russians, there was created in 1842, under Etolin's administration, the dignity of a supreme chief of the Kolosches. In accordance with a proposition of the colonial council a baptized Tlinkit, named Michael Kuchkan, was invested with the office. He belonged to a distinguished Tlinkit family. In 1862 a supreme chief was also appointed at Stakhin by the colonial council.

From 1845 to 1850 Tebenkow was governor of the colonies. Etolin, it seems, failed to continue in his efforts to establish friendly relations and intercourse with the Tlinkit, and it is reported that his successor, Rosenberg, governor from 1851 to 1853, from excessive anxiety of complications, entirely broke off all intercourse. The evil consequences of this policy were inevitable. In 1852 forty Stakhin Indians who had gone among the Sitkas in order to conclude peace with them, were treacherously murdered by the latter, right in sight of the Russians who did not stir to prevent the cowardly deed. In retaliation, the Stakhins, to gratify their vindictiveness, destroyed the hospital which had been erected by the Russians at the sulphur springs. In 1855, still greater excesses were committed, in the administration of Wojewodskow. When a sentinel refused to allow the Tlinkit Indians to remove some fire wood which was intended for the company, they attacked him with dirk knoves and severely wounder him. The demand of the chief for the Tlinkit to surrender the guilty persons remained unheeded and was responded to by threats from the natives. Even two cannon shots fired along the shore by order of Wojewodskow were of no avail. A multitude of armed Tlinkit moved against the stockades and threatened to destroy them. A shot was fired and a Russian was wounded. Wojewodskow now ordered that the aggressors be fired on. Even this did no good. The Tlinkit held their own; some attempted to invade the harbor, others seized the wooden church which had been erected for divine service in the language of the natives outside of the stockades, and began to fire out of the windows of the church. After a two hours hard fight, having suffered some losses, they gave up the battle and agreed to give hostages. Their loss is said to have aggregated 60 in dead and wounded, while the Russians had two dead and 19 wounded. The combat, however, had demonstrated to the Tlinkit the superiority of the Russians and after that they showed a more peaceable demeanor.

[Page 332.] As a proof of the constantly increasing influence of the

Russians over the Stakhin Indians it is cited that one of their chiefs, Kuatche, who in 1837 had sentenced to death one of his slaves, listened to Russian suasion and pardoned the slave. For this act the emperor, on recommendation of the Governor, presented the chief with a gold embroidered caftan and a fur cap. Subsequently many more slaves intended for sacrifice, were ransomed by the Russians, in which transactions the Tlinkit who cared only for gain, made good bargains.

Christianizing efforts among the *Stakhins* and other tribes of the Koloshes by Ivan Weniaminow and Litwinzow who up to the year 1860 baptized 447 Tlinkit—Weniaminow was appointed bishop under the name of Innocenz. From 1840 he established schools and a seminary for creoles and Tlinkit, all of which were connected with churches and chapels. Schools were also erected for the officials and servants of the Company and these were maintained at the expense of the colonial government. The last of these schools, the best students in which were sent at the Company's expense to St. Petersburg for manual training, was established in 1860. The flourishing condition of all these schools which was very promising, received a complete check in 1867 when Alaska passed into the possession of the United States.

Governor Simpson to the Manager of the Russian American Company.

COLUMBIA RIVER, FORT VANCOUVER, *March 20, 1829.*

To His Excellency the Manager of the Russian-American Company in Archangelsk, or in case of his absence to his representative.

The bearer, Mr. Simpson, Lieutenant in Her Britannic Majesty's Navy, General Manager of the Hudson's Bay Company on this coast, being now on his way northwards to inspect the harbour of Nass, where we intend to found next year an office for the promotion of commercial relations with the natives, has also been directed to visit the principal establishment of the Russian American Company at Novo-Archangel in order, with your aid, to enter into such relations with this Company as may, I trust, be in the future of benefit to both Companies. (2) The Chartered Company, whose representative I have the honor to be, is certainly known to you by reputation and by the extent of its business. In order to give you an idea of its importance I deem it necessary to acquaint you with the field of its operations extending in North-America from St. Laurence Bay to the mouth of the Mackenzie River, which flows into the Arctic Ocean and from the Atlantic to the Pacific Oceans. (3) Up to the present time our attention on this side of the continent has been directed to matters relating to the interior lands, but now we have in view the extension of our commerce to the coast and the establishment of a house near the northern frontier. This will greatly increase the opportunities for communication between us and, I hope, will consolidate the friendly relations which we have so long wished for. Our desire is to enter into such relations, as will tend to our mutual benefit and we, for our part will do all we can to suppress all attempts at unfair rivalry and competition, which are always dangerous to both parties. (4) We know that the guarding of the coast constitutes a service due to the fierceness of the natives; but the strict fulfilment of the articles of the Treaty of February 28, 1825, concluded between the two Courts, in regard to the sale of arms, ammunition and

spirits and concerning the defensive measures to be taken by us during the existence of the understanding between the two Companies, will, in my opinion, make our relations with these natives less dangerous than before and give the Russian-American, as well as the Hudson's Bay Company, an opportunity of carrying on their affairs with less expense, than in case these wise measures be not taken. (5) For the conveyance of the goods from England to the colonies one and sometimes two ships are necessary and we receive our supplies from the manufacturers direct on the most advantageous conditions. It having come to our knowledge that you have no regular and direct communication, and thinking that perhaps at times you may want some English goods, we are ready to furnish you annually with from 50 to 100 tons or as much more as may be necessary, upon receiving a moderate guarantee deposit for the first expenses and we will be satisfied with a small profit. We, on our side, are willing to take furs at saving price, paying for them either in bills of exchange drawn on St. Petersburg or London, or in cash, as may be the most convenient to you, or as we may arrange later. (6) We also agree to furnish annually from 4000 to 5000 bushels of all kinds of cereals and in case you should want them from 8000 to 10,000 hams and salt meats for a certain number of years at a fair price. (7) Lieutenant Simpson will give you the description of goods which we order and, should they prove not suitable for your use, you have only to send us samples and exact descriptions of all the goods you desire, mentioning the price and the mode of payment you offer. We, for our part, will not leave you in ignorance as to next year, if we agree to your offers. (8) Mr. McLoughlin, head factor and chief resident-Manager of the Hudson's Bay Company on the western coast of the continent will be much pleased to receive your reply to this communication, because I intend to leave for Europe in a short time. However, as chief representative of the Hudson's Bay Company, I guarantee that whatever contracts and arrangements you may make with the aforementioned gentleman or with Lieutenant Simpson, I am ready to confirm and carry out. (9) In conclusion let me express a sincere wish that there should exist between the Russian-American and the Hudson's Bay Company the same good understanding as between our two Governments and assure you that we shall endeavor to be of use to everyone connected with your Company who is likely to visit us.

Commending Lieutenant Simpson to your good offices I have the honor of remaining, Sir, your most obedient and humble servant.

GEORGE SIMPSON,
Governor of Rupert Land.

Hudson's Bay Company to Russian American Company.

HUDSON'S BAY HOUSE,
London, December 16th, 1829.

GENTLEMEN: I am authorized by the Manager and the Directors of the Hudson's Bay Company to transmit to you a copy of a letter, dated Columbia River, March 20th of last year from Mr. Simpson Chief Manager of the Company in North America, to the Chief Manager of your affairs in Novo-Archangel on the North-western coast of

America and I am also authorized to inform you that the Manager as well as the Directors, express full consent and entire confirmation of the offers made in this letter. From information obtained by the said Mr. Simpson, who is now staying in London, during his recent visit to the Pacific coast, it is quite clear that not only the Russian-American Company, but also the Hudson's Bay Company suffer material damage from the sale by American manufacturers of arms and ammunition to the inhabitants of the North-western coast. For this reason our commercial relations with the natives are endangered, this is very harmful because of the heavy expense necessitated in keeping a large number of men to watch over our stores, houses and hunting ground. On the other hand, if the sale of arms and ammunition were stopped, commerce being free from this danger would prosper and become profitable for the Russian-American Company, as well as the Hudson's Bay Company. To this purpose, the Manager and Directors express a desire that an understanding may be reacned by the two companies for their mutual benefit and they do not doubt that you will consent to their offer and that your help in taking such measures as will tend to reduce to a minimum the danger to which both Companies are now exposed.

It is also known to the Manager and to the Directors that the purchase from Americans of English products for your Company is very considerable and for this reason they instruct me, in order that you may be freed from such *a heavy expense*, to announce to you their readiness of supplying you annually at cost price, regardless of profit, with whatever quantity of English products you may need.

The advantage ensuing to the Russian-American Company from accepting this proposal is so evident, that the Manager and Directors are confident that you will give your early attention to this subject and they instruct me to inform you that they will consider it a pleasure to have relations with you hereafter because they are convinced of the possibility of such united action as will certainly secure to both Companies a quiet prosecution and extension of trade, while the present state of things exposes the affairs of the Company to dangerous losses.

I have the honor, Gentlemen, to remain your most humble and obedient servant,

W. SMITH.

To the Chief Manager and the Directors of the Russian-American Company in St. Petersburg.

Director Severin to the Minister of Finance.

[Translation.]

The Board of Directors of the Russian-American Company. February 27th, 1830. No. 175.

EXCELLENCY: The Board of Directors of the Russian-American Company has recently received a report from the well-known Hudson's Bay Company of England. This report refers to two subjects:

(1) The Hudson's Bay Company, wishing to establish a trading station on the British territory near our colonies, but fearing opposition from the savage and aggressive natives, invites the Russian-American

Company to join them in preventing the sale of fire-arms and to render mutual help at any time during attacks by the natives.

(2) Because of the difficulties which the Russian-American Company has encountered up to this time in providing its colonies with all supplies, the Hudson's Bay Company expresses its readiness to furnish all such supplies to the said colonies at reduced prices.

The Board of Directors presented this report for the consideration of the Council of the Russian-American Company who after having considered it, resolved, in their minutes dated February 25th last, as follows:

1st. In regard to the first subject to say to the Hudson's Bay Company that the Russian-American Company, guided by the Convention of February 28th, 1825, between Russia and Great Britain has strenuously forbidden the sale of fire-arms and spirits by the Colonial authorities to the natives and will most strictly maintain this rule. The Hudson's Bay Company is requested to issue a similar order on their side. As to the last subject the Board of Directors of the Russian-American Company acknowledges with many thanks the offer of the Hudson's Bay Company and will permit itself to consider the matter further and to give the Hudson's Bay Company a decisive answer later.

2. To present copies of the Hudson's Bay Company's report and of the same journal of the Council to Your Excellency on account of the importance of the subject and also because the first part of the Hudson's Bay Company's report refers particularly to the management of the Colonies.

Accordingly, the Board of Directors of the Russian-American Company has the honor to present the said documents for Your Excellency's consideration.

ANDREW SEVERIN,
Director.

To His Excellency Count EGOR FRANZOVITCH KANKREEN,
Minister of Finance, etc.

Manager Drujinin to Ministry of Finance.

[Translation.]

Ministry of Finance. Department of Trade and Manufacture. Sect 2. Table 2. March 5th, 1830.

Relative to the proposal of the Hudson's Bay Company to enter into relations with the Russian-American Company.

The Board of Directors of the Russian-American Company reports to Your Excellency:

1. That the well known Hudson's Bay Company, wishing to establish a trading station on English territory, near the Russian colonies, but fearing the wild and warlike natives, has invited the Russian-American Company to join it in its efforts to prevent the sale of fire-arms and in common defense against the natives.

2. On account of the difficulty which the Russian-American Company has encountered up to this time in providing its colonies with necessities, the Hudson's Bay Company expresses its readiness to supply all such necessities to the said colonies at reduced prices.

3. The Council of the Russian-American Company, to which the Board of Directors presented the report for discussion has resolved in its minutes, dated February 25th last: (A) In regard to the first subject of the Hudson's Bay Company, to say that, in accordance with the Convention of February 28, 1825 between Russia and England, the Russian-American Company has strenuously forbidden the sale of fire-arms, ammunition and spirits to the natives by the Colonial authorities and will most strictly maintain this rule. The Hudson's Bay Company is also requested to issue a similar order on their side. As to the last subject, the Board of Directors of the Russian-American Company acknowledged with many thanks the offer of the Hudson's Bay Company and permits itself to consider the subject further and to give the Hudson's Bay Company a decisive answer later; and (B) to present copies of the Hudson's Bay Company's report and of the same journal of the Council to Your Excellency, on account of the general importance of the subject and also because the first part of the Hudson's Bay Company's report refers particularly to the management of the Colonies.

From the copies of the Hudson's Bay Company's reports, presented by the Board of Directors to the General Manager of the Russian-American Colonies in America, and from communication of the authorized representatives of this same Company to the Board of Directors of the Russian-American Company, it appears: 1. (a) The Hudson's Bay Company expresses its readiness to furnish annually to the Colonies of the Russian-American Company; from 50 to 100 tons, or as much more as may be necessary, of English goods at reduced prices, taking in payment therefor furs at saving prices, paying for them in bills of exchange or cash as may be arranged later, and (b) from 4000 to 5000 bushels of all kinds of cereals and from 8000 to 10000 hams and salt meats, for a certain number of years.

2. The authorized representatives of this same Company report to the Board of Directors of the Russian-American Company that the said Company expresses a readiness to furnish to the Russian-American Colonies the necessary quantity of English goods at cost price with the invoice, but not to make it a particular branch of trade.

Inquiry.—1. By virtue of the franchise granted by the Emperor to the Russian-American Company September 13 1821, the following facts are patent:

Section 31 establishes that all arrangements covering the management of the Company are entrusted to the Board of Directors, therefore it is obliged to have the welfare of the Company constantly in view, to look after the safety and well-being of its colonies, to safeguard and extend its credit; in a word not to let slip any of the benefits granted to it without ever overstepping the limits prescribed to the Company in its rules and franchise.

Section 35 establishes that the Company is obliged to justify in every possible way the trust imposed upon it; to keep in good condition the colonies handed over to it for its particular benefit; to avoid everything that could cause ruptures with the adjacent States, to have in view in all its undertakings, the general benefit of the mother-country and to observe strictly the limits prescribed to the Company in its franchise in rules.

Section 36 concerns the method of management. The Company reports directly to the Minister of Finance and in case of necessity he

makes comments upon the reports. If the Company does not feel inclined to consent to the Minister's suggestions he then informs His Imperial Majesty.

2. By virtue of Conventions concluded by Russia with the United States on April 5/17, 1824, and with England on February 16/28th, 1825, the subjects of these Governments are forbidden either to sell or to furnish in any way whatever spirits, firearms, weapons of any kind, gun-powder or any other kind of ammunition of war, to the inhabitants of the American Islands.

Conclusion.—The Department of Trade and Manufacture has the honor therefore of reporting to Your Excellency the above explanatory report of the Board of Directors of the Russian-American Company, concerning the proposal of the Hudson's Bay Company to enter into friendly relations with our Company.

J. DRUJININ,
Manager of the Department.
KOROSTOVZEFF,
Chief of Section.

Report of the Governor to the Board of Directors of the Russian American Company, May 6, 1832 (No. 133).

[Translation.]

I do not deem it superfluous to communicate to the Board of Directors the information collected by me with regard to the new settlement of the Hudson Bay Company in Observatory Inlet and of its operations in our neighborhood.

The above mentioned Company has taken a firm footing in the above cited Bay, in a locality named Naas; the establishment is in a good defensive position and the stores are filled with the necessary merchandise. The natives were won over by generous presents to the elders and their kind treatment of all. The Company's vessel put in last spring at Kaigany (Puerto Cordova) for the purpose of trading with the natives, where there were already two American ships. The Company's vessel, having goods of better quality than the Americans paid with the same number of blankets as these latter (i. e. one blanket per river beaver) and greatly injured the trade of its competitors, and, according to their own words, the Hudson Bay Company will surely soon crowd them out of the competition. Mr. Simpson (chief of the establishment on naval affairs), inspecting the straits situated to the north, had the intention of establishing a settlement last year in the Stikine territory (at the southern mouth of Prince Frederick Sound) up the river falling into this bay at such a distance from the sea as not to infringe upon the last convention concluded between Russia and Great Britain with regard to our frontiers. Although Mr. Simpson's sudden death temporarily put a stop to this intention, it is probable that it will not be for long and in a year or two the English will occupy a post there also undoubtedly in prejudice of our commercial relations with the Kolosh. For the excellent quality and abundance of the merchandise of the English constitute an attraction to the Kolosh which we have no means to compete with, and there is no doubt whatever that if the Board of Directors does not find means to supply

the colonies with merchandise of such quality and in such quantity as to be able to hold out against the Hudson Bay Company, this company will be in possession of the whole fur trade in northwestern America from Cross Sound or even from a more northern point to the south as far as the coast of California. The principal trade consists of river beavers of which about 10,000 skins are collected yearly. Consequently the company spends on the beavers alone, without counting surplus payments, about 10,000 blankets. I beg the Board of Directors to weigh the matter and instruct me accordingly. Must we and can we enter into competition with the Hudson's Bay Company? If I be allowed to express my opinion, I declare that the Russian American Company ought not to remain a suffering witness of the operations of the English, but should take measures to withstand them, a thing that can be attained only by supplying the colonies abundantly with the necessary merchandise; then it will be possible for us to visit the straits ourselves, for we must not come to the Kolosh empty handed if we do not wish to be a laughing stock to them by showing our poverty. I hope that I have relieved the Board of Directors from the difficult duty of sending grain to the colonies from Okhotsk by supplying the colonies for two years in advance, hoping to supply them in sufficient quantity in the future also; I consequently think that the Board of Directors will direct its efforts to the forwarding of larger quantities of merchandise. I again repeat what I have already said in another place that all the efforts of the Board of Directors to extend our trade can meet with no success whatever with the continual lack of merchandise existing at present, and (if I may so express it) our extreme avarice in paying with beads and fingle-fangle can never encourage the natives in their trade; their labors ought to be rewarded by articles of real utility such as clothing. It is true that the percentage of the profit will be less, but the quantity of the merchandise traded will be greater and instead of 5,000 beavers we will send out in time twice as many.

Report of the Governor to the Board of Directors of the Russian American Company, April 28, 1834 (No. 190).

[Translation.]

Having received a considerable supply of merchandise on the chartered vessel *Cornarvon* and the military transport *America* in the fall of 1832, I was enabled to enter into direct communication with the Kolosh of the neighboring straits, sending a vessel to their settlements and endeavoring to establish a settlement on an advantageous point for this trade.

Cruising in the straits is frought with difficulties in autumn and winter, therefore having awaited in the spring of 1833, the arrival of the Assistant Governor of the Colonies, Captain Etholine, from California, I detailed this officer to prepare the brig *Chichagoff* for crusing in the straits, to put it on a war footing, take merchandise on board, and to navigate over all the principal parts of our straits, to get acquainted with the localities, the inhabitants and the mode of trade with them and report to me on all these points.

The brig *Chichagoff* sailed on April 3 and returned by a new, yet untried route through Peril and Olga straits on May 26. Captain Etholine fulfilled the mission entrusted to him with his usual skill and foresight, laid the foundation of our present possession of the trade in the straits which was, so to say, monopolized by the citizens of the United States and the Hudson Bay Company. I enclose herewith the originals of his reports, as well as his memorandum of travel.

On account of the war waged between the inhabitants of Stachin with the Sitka and Chilkat Kukhantans, it was not easy to gain the confidence of this people; but the trade in river beavers in Stachin seemed sufficiently important for us to endeavor to get better acquainted with the inhabitants of those regions, in which Mr. Etholine fully succeeded and ascertained even their readiness to allow us to settle among them. Having found out that the British Hudson Bay Company intended to settle there likewise by invitation (according to the Convention the British have a right to settle at a distance of 30 Italian miles from the sea on the river Stachin and to navigate freely on the river), I decided not to lose time and immediately ordered the sending out of brig *Chichagoff* under command of Lieutenant Zarembo, after her return from an expedition in quest of islands, to Stachin, with the provision that the brig should remain there to winter and that the construction of a redoubt should be proceeded with, after obtaining permission from the natives.

In obedience to this order Lieutenant Zarembo left Novo-Archangelsk on August 28 and returned on March 8, having discovered a direct communication with Prince Frederick Sound, by means of which and the Olga strait the distance between Stachin and Novo-Archangelsk has been shortened so that brig *Chichagoff* made this route in 7 days, all stoppings and laying in wait for favorable winds and currents included. Mr. Zarembo fulfilled my expectations, rendered firm our friendly relations with the Stachins, founded the redoubt and brought back over one thousand furs of river beavers and otters not including others. I enclose herewith an extract from his report.

* * * * * * *

The unfinished buildings were left in the care of the toëns and as a proof of their friendship to us one toën and the son of another, the chief toën, arrived here on board the *Chichagoff*.

These guests were received by me in the best manner possible and will be taken to their homes on board the brig *Chichagoff* which will sail under command of Lieutenant Zarembo, to the straits and to Stachin in May for the purpose of completing the buildings, trading and awaiting to be relieved by schooner *Chilkat*, now in construction and which I intend to send under command of Second Lieutenant Kuznetsoff to trade in Chilkat and thence to Stachin where she will have to winter for the greater safety of the new redoubt.

* * * * * * *

Merchants from the United States did not visit the straits during the past winter and our only rival is the Hudson Bay Company. Fortunately for us they lacked merchandise in Naas, but this will soon be set right by extensive orders on the Sandwich Islands where the Governor of Columbia has sailed for the purpose of purchasing merchandise.

* * * * * * *

The greatest trouble I have now is the Hudson Bay Company which is allowed by the Convention to navigate freely on rivers falling into

the sea in our possessions, for it is the region neighboring upon the rivers which furnishes us with beavers and not the coast, and I beg of you that should any other convention be signed (the term of the old ones having expired) you should solicit that free navigation on the rivers should at least be limited by the condition that free navigation to the British from the interior to the sea should not be forbidden, while free navigation from the sea up the rivers should be prohibited. Of course it would be best not to allow any navigation whatever, though I think that it will not be possible to manage it. However, this circumstance will depend upon diplomatic transactions and until further instructions I will hinder the British by force from sailing up the Stachin river.

* * * * * * *

Report of Chief Trader P. S. Ogden of Transactions at Stikine 1834.

On the 18th June we came in sight of the Russian establishment on point Highfield, within a distance of 15 miles, when a Russian boarded us, and the officer not understanding the English or French language, we could only comprehend a few words of no import; he handed me a proclamation, signed by B^{on}. Wrangell (for its contents see Proclamation N. 1) and shortly after took his departure. About two hours after, as we were casting anchor, another Russian boat with a Russian officer boarded us, and by signs and with the assistance of an Indian interpreter gave us to understand, we must not cast anchor, but immediately depart. To this order I paid no attention. Having invited him down to the cabin, all I could comprehend from him was, that they were determined to use force against us and requesting me to write a note to the Commander (for its contents see No. 2). Having complied he took his departure. He had been scarcely gone an hour, when again a Russian officer in a baidarka boarded us. This gentleman also neither understood the French or English language, but was accompanied by a Spanish linguist, with the assistance of Surgeon Tolmix, we could understand that the purport of his visit was merely to repeat what the others had said.

June 19th at 6 a. m. the Russian officer who boarded us last night, again attended by his Spanish linguist, paid us a visit, the purport of which was to invite me to their establishment, informing me that an expres had been sent to Sitka and that we must not trade with the natives. To this I replied, that the treaty granted us the right of trade, and that some of the gentlemen would in the course of the day visit their establishment; he then took his departure. At 10 a. m. Surgeon Tolmix and Captain Duncan by my request proceeded to the Russian establishment and at 12 o'clock returned and reported as follows.

They found a Russian brig mounting 14 guns with a crew of 84 at anchor on front of their establishment, to which they were invited and Captain Sarembo the commander gave them to understand through the assistance of the Russian-Spanish linguist, that he would make use of the force he had against us, if we attempted to proceed up the river in our boats; he did not deny we had a right to erect an establishment in the interior of the English territory, but we had no right to navigate these streights and his orders were to prevent us with the force

he had under him and he would not deviate from them unless he received contrary instructions from Bon Wrangell. Shortly after their return, a Russian boat with a Spanish linguist arrived, and he informed me he was on his way to Sitka and requested to know if I would write? With this request I complied (see N. 3.); he said in 8 days he would again be here.

June 21st. I this day paid a visit to the Russian establishment and was politely received by Captain Sarembo, the Russian Commander. This gentleman understands a few words of English, and he gave me directly to understand, that if we attempted to proceed up the river in our boats, he would use force against us. I represented to him that the treaty between Great Britain and Russia gave us the right of navigation; to this he replied: "my instructions are to prevent you, and by these and not by the treaty shall I be guided." He then remarked: "in five days my express will be here from Sitka and I shall then have the decision of the Governor." We then separated.

June 22d. The Russian Commandant Captain Sarembo paid me a visit and with the assistance of a Swede we have on board, he again gave us directly to understand, that if we attempted to proceed up the river or trade with the natives, he would use force against us. His instructions were to that effect and that by the return of the boat from Sitka he would receive fresh instructions. He left with me by my request a written document in the Russian language, relative to the prohibitions he has imposed upon us (see N. 4 3). My situation now is becoming not only more unpleasant, but I find myself most critically situated and assuredly at a loss how to act. If I attempted to act conformably to the treaty, I am aware I should be justified, but I am firmly of opinion, from the determination to oppose us so invariably expressed by the Russians, that it would be attended with the loss of lives.

June 29th. This day the two Russian boats arrived from Sitka and I received an answer to my letter from C. Etoling (see N. 5/3) and shortly after I had an interview with Cap^{n}. Sarembo, who informed me he had not received any contrary instructions and was determined to prevent our proceeding up the river; he at the same time remarked, he regretted his instructions from B^{on} Wrangell were to that effect, but whatever the consequences might be, he was determined to enforce them; he then delivered to me document (N^{o} 6 3).

I have no alternative left, but to leave this quarter without making any further attempt and however galling it is to be obliged to yield under present circumstances, I cannot act otherwise without sacrificing lives, and I am firmly convinced after all would not succeed.

(Signed) PETER SKEENE OGDEN,
H. B. C^{o}.

[Inclosure No. 1.]

Governor of the Russian American Colonies, Port Captain of H. I. M.'s Navy, Baron Wrangel does hereby announce to Commanders of foreign ships that the Hon^{ble} Russian American Company's Brig "Tschitschagoff", captain Sarembo, and schooner "CheelKat", captain Coosnetsoff have orders to take their stations in the straits within the territories of Russia, that is to say northward of 54° 40′ latitude, where no foreign ship or vessel has now a right to trade with the Indians, by virtue of a sanctioned Convention, concluded between His Majesty the Emperor of

Russia and the President of the United States, as well as with His Majesty the King of Great Britain, which convention the Governor of the Colonies hopes will not be violated by any English or American vessel.

New Archangel Port Sitka Sound, May 15/27th 1834.

(Signed) BARON WRANGEL.

[Inclosure No. 2.]

STIKINE, *18th June, 1834.*

To the Superintendent of The Russian Establishment—Present.

SIR: The right of remaining here granted us by the Treaty of Commerce between Great Britain and Russia, we are determined to avail ourselves of and intend proceeding ten marine leagues inland to erect an establishment.

(Signed) PETER SKEEN OGDEN.

[Inclosure No. 3.]

STIKINE, *June 20th, 1834.*

To Governor WRANGEL,
Of the Russian Territories.

SIR: Your proclamation dated 15th May 1834 from Sitka, prohibiting British vessels from trading in these straits is now before me, and I have to remark that my instructions from the Governor of the Honorable Hudson's Bay Co., residing in Columbia River, are to trade and form an establishment ten marine leagues inland, in accordance with clause 2nd, art. 4 of Convention entered into between Great Britain and Russia; and in regard to art. 6th of said Convention "that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the Ocean or from the Interior of the continent shall forever enjoy the right of navigation freely and without any hindrance whatever, all the rivers and streams which in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in art. 3. of said convention".

And in regard to art. 7, which does not expire before February 1835, I am as a British subject and Representative of the Hudson's Bay Co. and in accordance with my instructions, determined to avail myself of; and should any impediments be placed in my way contrary to said Convention, You, Sir, must hereafter be responsible for the consequences.

I have the honor to remain, etc.

(Signed) PETER SKEEN OGDEN.

[Inclosure No. 4.]

[Russian document, badly copied and undecipherable.]

[Inclosure No. 5.]

NORTH WEST COAST OF AMERICA,
New Archangel Post.

SIR: Having been informed by Lieutenant Sarembo, of the Imperial Russian Navy, commanding the Brig *Tschitschagoff* at present stationed at Stakine and belonging to the Russian-American Company, under the high protection of His Imperial Majesty, who, at the same time has just transmitted to me your letter addressed to the Governor of the Russian Colonies in America, Baron de Wrangel, that you intend entering the river Stakine, in order to establish a settlement in the interior of that country—I have the honor to inform you, Sir, that the Governor of the Colonies being at this moment, absent from the Port of New Archangel, I cannot give you any positive answer in the matter, and though by Art. 6 of the Convention concluded on the 28/16 of February 1825 between Their Majesties the Emperor of all the Russias and the King of Great Britain and Ireland, British subjects are allowed to enter the river Stakine, still in Article 2 of the same Convention, it is specifically stated that "the subjects of His Britannic Majesty, shall not land at any point where there is a Russian settlement without the permission of the Governor or Commandant, etc.;" and, as communications between British subjects and their pro-

jected settlement up the river Stakine must be made, now as well as in the future, across the place already occupied by us and situated within the limits of the Russian frontier, no permission can be granted for that purpose, unless it pleased you, Sir, before undertaking your project, (which besides, would be quite contrary to the interests of the Russian-American Company and would entail its evident loss) to have a personal conference with the Governor of the Colonies whose return to New Archangel is fixed for the end of the month of August.

In regard to Lieutenant Sarembo, Commandant of the ship stationed at Stakine and of our redoubt at that place, he is ordered to act exactly in the sense of Article II of the said Convention, which, we hope, will be likewise punctiliously observed by British subjects.

I have the honor to be, etc.

(Signed) A. ETOLINE,
Deputy Governor of the Russian Colonies in America.

26/14 June, 1834.

To Mr. PETER OGDEN,
Of the Honorable Company of Hudson Bay.

Letter of Captain Etholine to Lieutenant Zarembo, June 13, 1834.

[Translation.]

DEAR SIR, DYONISIUS THEODOROVICH: I had the pleasure of receiving this afternoon your letter of the 8th instant and tomorrow morning when the men you have sent will have rested a little, they will immediately start on their return trip with answers to your despatches. I congratulate you for the successful achievement of your work and your trade with the natives, but the arrival of the British will probably cause you many delays.

In any case I recommend strict compliance with the instructions given you by Baron Ferdinand Petrovich Wrangell, i. e. to impede with all your might the penetration of the British into the place already occupied by us, as according to article II of the Convention they are not allowed to stop at those places without the permission of the Governor or Commandant; however, I beg of you to see that you do not infringe article XI of the Convention. Should my letter and your protestations fail to convince Mr. Ogden and he still insists on penetrating into the river, do not even then employ force, but only announce to Mr. Ogden that he is breaking article II of the Convention and that article XI of the same Convention forbids you to employ force against him, and that for this reason his action will be brought to the knowledge of our Government and afterwards further to where it belongs, and that he, Mr. Ogden, takes too much upon himself if, in spite of our non-agreement, he decides to enter the mouth of the river Stachin, as this matter must certainly be decided by the Government or at least by the Governor of the Colonies.

Having no one else I am sending you Dalstrem as interpreter of the English language; although he is no professor of this language, still you will be able to make yourself understood by Mr. Ogden.

Your news with regard to the favorable attitude of the Stachins towards us and their sentiments with regard to the settlement of the British are somewhat comforting. They certainly have full right to prevent the British from settling up the Stachin river as it will take away all their trade from them and the advantages derived from it.

I will send tomorrow a courrier to the Commander of the schooner *Chilkat* Second Lieutenant Kuznetsof, with the order to hasten to

Stachin, principally for the purpose of bringing to you as fast as possible the interpreter Gedeon who is indispensable to you now for your transactions with the Kolosh.

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Wishing you full success, with true respect and devotion I have the honor to remain, Sir, Your humble servant,

(S'g'd) A. ETHOLINE.

PORT NOVO-ARCHANGELSK, *June 13, 1834.*

Instruction of Captain Etholine to Commander of brig "Chichagoff," Lieutenant Zarembo, June 14, 1834 (No. 6).

[Translation.]

I have received your letter and report of the 8th instant and hasten to inform you with regard to the above, that, although according to article VI of the Convention, concluded on February 16/28, 1825, between their Majesties the Emperor of Russia and the King of Great Britain, we cannot prevent Mr. Ogden from sailing up the Stachin river for the purpose of establishing a settlement on the British frontier, as you have informed me in your letter, according to article II of the above mentioned Convention, the British are forbidden to anchor at points already occupied by us without the permission of the Governor or the Commandant, and I beg of you to act according to instructions by you received from the Governor of the Colonies, without, however, infringing upon article XI of the Convention. As regards the trade with the inhabitants of Stachin it is easy to understand that the British have no right whatever to carry it on because of our settlement there. I enclose herewith for your guidance a Russian translation of a French letter written by me to Mr. Ogden and which I request you to forward to him; at all events I have ordered the Commander of the schooner *Chilkat*, Second Lieutenant Kuznetsoff, to immediately hasten his arrival to Stachin where he will place himself at your disposal. With regard to his return to Novo-Archangelsk I beg of you to act according to instructions already received by you.

I am sending back to you the whaleboat you sent me and I found it advisable to send you a six-oared boat with six men to reinforce your command; they are under boatswain Dalstrem who can be useful to you in your transactions with the British.

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Chief Trader Ogden to John McLoughlin.

FORT VANCOUVER, *20th December, 1834.*

JOHN MCLOUGHLIN Esq^re^.

SIR: in conformity with your instructions dated Fort Vancouver 10th May 1834 addressed to me to proceed to Stikine river which discharges in Clarence's Straits, to erect an establishment on British territories, ten marine leagues from the ocean, as by the right granted to

British subjects in article 3 of convention between Great Britain and Russia. Having for this express purpose in fall 1833 with considerable expense ascended the Stikine river and formally taken possession of a spot suitable for erecting an establishment, I accordingly after considerable derangement of our affairs on the coast, attended with an enormous expense in goods and provisions and serious loss of time, collected a party of sixty-four servants and eight officers and reached Stikine River on the 18th June and I now beg leave to refer you to the enclosed documents for its not having been in my power to comply with your instructions.

I remain Your Obe't. humble Serv't.,
(Signed) PETER SKEEN OGDEN.

[For copies of enclosures see Nos. 1 to 5, Ogden's Report.]

John McLoughlin to the Governor, etc., of the Hudson's Bay Company.

FORT VANCOUVER,
COLUMBIA RIVER, *17th March, 1835.*

To the Governor, Deputy Governor and Committee of the Honorable Hudson's Bay Company.

HONORABLE SIR: On the 14th December Mr. Ogden arrived from the Northwest coast and I am sorry to inform you that the Russians have prevented Mr. Ogden forming the establishment you directed us to build on the bank of Stikine river, and for which he had selected and marked out a situation in 1833, as you will see by the accompanying copy of the correspondence between Mr. Ogden and the Russian officers Capt. Sarembo, Etoline and Baron Wrangell, N°. 1., and Mr. Ogden's journal. I will forward the originals for greater security by the way of York Factory, and I presume these documents will fully prove that our Rights have been violated by the Russian Authorities.

In statement herewith is a detailed account of the expenses incurred in preparing and attempting to erect this establishment and in making preparations to extend the company's trade, according to your instructions, in the British territory north of 54° and which expenses are now entirely lost to the company, by the unjust proceedings on the part of the Russians and Your Honors will perceive that the wages and expenses of keeping the men are calculated up to 1836 as they are under engagement, and I must also keep them until I have Your Honors instructions, which cannot reach me before that time and that I have limited myself entirely to charge only these with which we are acquainted here, and that there are other expenses which you are making in England for the purpose of extending the Trade (for instance the Steam boat mentioned in my last) which will be entirely lost if we are deprived of the right of extending the British Territory north of 54°.

There are other losses of which it is impossible to form an accurate estimate, such as the loss caused by my detaining the Eagle last fall later than you directed in consequence of the non-arrival of intelligence (as I already reported) from the coast, as Mr. Ogden would not have it, till he had seen Baron Wrangell, the Governor of the Russian

settlements on the N. W. coast, so as to avoid every misapprehension in the point in question.

The injury suffered by the derangement of the plans for extending the trade to the territory in question is very great in being excluded from it, while the Russians reap all the advantage from it, as you may depend that all the land fur traded at Stikine and three fourths of these collected by the American coasters and us come from the British territory north of 54°.

And last but not least the loss of character we suffer in the eyes of the Indians by being prevented by the Russians from erecting the establishment at Stikine, which we had told them in 1832 and 1833 that we would do and though the company suffers the injury, still it affects the national respectability in the eyes of these savages as they (without ever giving the least cause for it) consider us identified with our Govt., this supposition of theirs, I believe proceeds from the first British vessel they saw, being captain Vancouver's the celebrated navigator, and all the British vessels they have since seen, they consider them as Govt. vessels, and Your Honors may depend that it will now require double the number of men (to establish Stikine) that Mr. Ogden had; though I am well aware that your Honors do not require an estimate of that kind from me or such details, still as I am on the spot I consider it but right that I should point them out. The Dryad will return from the Island with the salt which Mr. Pelly omitted to send per the Eagle and if the timber does not offer a sufficient inducement to keep her in the country and to employ her in that branch of business, she will in this case on her return be sent to England.

I am, etc. JOHN MCLOUGHLIN.

Amount of expenses incurred by the Hudson's Bay Company in the attempt to erect an establishment on Stikine river on the North-West coast of America, for extending the trade in the interior of the country towards Mount Saint Elias and loss sustained by being prevented by the Russians from trading on the coast to the Northward 54° 40′ Lat., £22,150.10.11.

The Governor of the Russian American Company to the Commander of the schooner "Chilkat," Second Lieutenant Kuznetsoff, March 30, 1835 (No. 28).

[Translation.]

The mission of visiting the Kolosh straits entrusted last year to you you carried through to my great satisfaction and although it was not possible to obtain a large number of furs on account of the lateness of the season, the preliminary steps have been taken and we must continue what we have begun.

As it is of the greatest importance to gain time I recommend that you should sail at the first opportunity to the Dyonisius redoubt with as much speed as you are able; to land there the Stachin toön Sheksh, deliver the cargo for the redoubt and direct your course to the river Taku which you discovered last year. Trade there with the natives for river beavers and otters, paying them in merchandise at l[illegible]

rates than in Stachin or Sitka but at higher ones than they are paid by the neighboring Kolosh (Keku, Chilkat and others). I leave this undetermined requesting you to ascertain on the spot what rates should be fixed in order that the Taku Kolosh should find it more advantageous to sell their furs to us than to other Kolosh who sell them again to us at higher rates, keeping at the same time in view the interests of the Company by not increasing the rates more than necessary.

It is desirable that you should be able to find the Chilkat Kolosh in their summer places before they leave for hunting expeditions in the interior; consequently, finding that it is useless to stay longer at Taku sail for Chilkat and according to the promise given you last year trade furs with them remaining as long as you deem necessary at the gathering places. On your return trip stop at such settlements where you might find furs, also at Hootznoo and return to Novo-Archangelsk endeavoring to reach it in June. I beg of you to declare to the Chilkat and Hootznoo elders, according to the conversation I had in your presence with toën Sheksh, that although he begged me that I should order you to take him to Chilkat and Hootznoo for interviews with the toëns there, I refused his request as I did not know if it would be agreeable to those toëns on account of the well known quarrel between them and the Stachins.

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Baron Wrangell to Board of Directors of the Russian American Company, April 30, 1835 (No. 134).

[Translation.]

In despatch No. 190 of last year I had the honor to forward a detailed report to the Board of Directors with regard to the cruise of brig *Chicagoff*, under command of the Assistant Manager of the Colonies, Capt. Etholine, in the spring of 1833, in the Kolosh Straits of our possessions for the preliminary investigation of the locality and condition of the trade there. The Board of Directors is aware that upon receiving the information forwarded by Capt. Etholine concerning the above localities, and the advantage which the Russian American Company might reap from the kindly disposition of the Stikine Kolosh toward us, inviting us to settle there, I did not fail to send out immediately in the autumn of the same year the brig *Chicagoff*, under command of Lieut. Zarembo, to winter there and to establish a settlement on the River Stikine within the Russian frontiers. This being the most important point of the straits for trade with the Kolosh.

I hastened the more to put this into execution as news had reached me that the Hudson Bay Co. had likewise the intention of settling there, as by the terms of the Convention, the British have the right to settle on the Stikine River at a distance of 30 Italian miles from the sea, and to freely navigate on this river.

The Board of Directors knows that Lieut. Zarembo returned from Stikine on March 8 of last year, and had succeeded in establishing during the winter friendly relations with the Stikine and neighboring Kolosh to erect with their consent a solid foundation for the redoubt, and had carried on a most successful trade. On May 17 of last year the brig *Chichagoff*, under command of Lieut. Zarembo, was again sent

by me to Stikine with a garrison and armament for the redoubt, and with instructions to complete the buildings, trading with the natives and waiting to be relieved by the schooner *Chilkat*, which, according to orders given by me, was sent on May 3 under command of 2nd. Lieut. Kuznetsoff, to the Straits, first for trading purposes, and then, upon her return to New Archangel, on August 6, to Stikine for the purpose of relieving the brig *Chichagoff*, with instructions to winter there, having the greater safety of the new redoubt in view.

Lieutenant Zarembo returned to New Archangel on September 12, and reported to me that during the summer he had succeeded in entirely completing all the principal buildings in the redoubt, surrounding it with a palisade, arming the watch houses, and, in general, placing this settlement in a condition of safety against attacks by the natives, and establishing trading relations with the inhabitants of Stikine. On August 26, after the completion of the most important work, the flag of the Russian American Company was hoisted with the regulation salute and by my orders the name of St. Dionysius was given to the new redoubt. Its garrison consists of twenty men of various trades placed under the command of an employeé of the Company. Mr. Sergius Moskvitinoff, has been supplied, for preliminary trade with the Kolosh, with a sufficient quantity of various kinds of merchandise. The instructions given by me to Moskvitinoff have been forwarded to the Board of Directors with protocol No. 313, of May 16, of the past year.

While reporting to the Board of Directors our settlement in the Kolosh Straits, I must bring to the knowledge of the Board the following important incident, which occurred last summer in the Stikine during the stay there of the brig *Chichagoff*. Lieutenant-Commandant Etholine, Assistant Manager of the Colonies, reported it to me on my return from Kadyak to New Archangel as follows:

"On June 13, current," reports Mr. Etholine, "there arrived here suddenly a whaleboat from the Commander of the brig *Chichagoff*, Lieutenant Zarembo, to report to me the arrival at Stikine of an English brig which intended to sail up the River Stikine for the purpose of establishing a settlement on the British frontiers. On board this brig was Mr. Ogden, Chief of the settlement of Naas, who announced to Mr. Zarembo his determination to settle up the Stikine River, but Lieut. Zarembo, acting in accordance with the instructions received from Your Excellency, and basing his action on the convention concluded between Russia and Great Britain, declared to Mr. Ogden that he could not allow his vessel to enter the river without the permission of his Chief, in consequence of which a term of 10 days was agreed upon between Messrs. Ogden and Zarembo in which to await my answer. Mr. Zarembo sent me, with his report, a letter to you from Mr. Ogden of June 19, in which Mr. Ogden specially refers to Article VI of the Convention, which allows the British to navigate from the sea and from the interior of the continent the rivers flowing through their possessions. Appreciating the full importance of Mr. Ogden's enterprise, notwithstanding the fatigue of the men, who reached Sitka from Stikine on the fifth day, I hastened to send back the whaleboat the next morning, with an answer to Mr. Zarembo and a letter to Mr. Ogden" (which I beg to refer you to in the report of Captain Lieut. Etholine) "in which I, in my turn refer to Article II of the above mentioned convention, in which it is said that the British are forbidden

to put in at places already occupied by us without the permission of the Governor or Commandant, etc., and added that, as communication by the English with the proposed settlement up the river will be held, now and in the future, over localities already occupied by us and situated within our frontiers, no permission for this could be given him (Mr. Ogden). However, as, on account of Your Excellency's absence I could not give him any decisive answer, I proposed that, before beginning to put his plan into execution, (which would be entirely opposed to the interests of and an evident damage to the Russian American Company) he should have at the end of August a personal interview with you in New Archangel. I sent with the whaleboat, at all events, for the re-enforcement of the complement of the brig *Chichagoff*, a six-oared boat with six men, and to 2nd Lieut. Kuznetsoff, Commander of the schooner *Chilkat* (who was then at Chilkat for trading purposes and who was to reconnoiter the mouth of the river Taku), I despatched a courier with the order to sail immediately for Stikine and to report to Lieut. Zarembo.

"On June 24th the six-oared boat returned from Stikine with a report from Lieut. Zarembo that the whaleboat and six-oared boat had arrived within the stipulated term (June 17) and that he had forwarded my letter to Mr. Ogden, in consequence of which Mr. Ogden left Stikine on the 19th of June and sailed back to Naas, promising to come to Sitka in August for a personal interview with you."

Before leaving Stikine, upon receiving the answer from New Archangel, Mr. Ogden asked Lieut. Zarembo: "If I wait for a favorable wind, hoist sail and enter the river with my vessel, what measures will you take to stop me?" To this Mr. Zarembo answered very sensibly: "Such action will be in opposition to Article II of the Convention, and in order that I may not likewise act against it, I declare to you that I am not going to fire upon you and will not use any violent measures to stop you." Upon receiving this answer Mr. Ogden departed immediately.

This incident made me await impatiently the interview with Mr. Ogden, who arrived at New Archangel on September 15 on the brig *Dryad*. At his second interview he declared to me by word of mouth that he did not see in Art. II of the Convention anything which forbid the establishment of a settlement up the River Stikine at a distance of 10 leagues from the sea, pointing out that in the English translation of the Convention the word: *aborder* (pristavat) was given as *to land*, saying that he intended to go by water up the river, and not to land before reaching the British possessions; upon receiving my answer that he would infringe upon Article II of the Convention if in spite of my non-agreement he should remain near our redoubt on the Stikine, he demanded a written answer to his protest. I enclose herewith the copy of my answer, and the originals of his two protocols of June 19 and September 30. It is very probable that this matter may be referred to the governments and that the British, on their side, may try to explain the convention to their advantage, calling the prevention of Mr. Ogden from entering the River Stikine an illegal proceeding. For this reason I deem it my duty to report in detail with regard to this matter.

It is clear that article II was drawn with intent to prevent disagreements between the British and ourselves regarding illicit trade. Seeing this article in this light it must be concluded that the word *aborder*, (pristavat) to put in, means in general to approach and not to

go on shore, for there is no necessity for foreigners to leave their vessel in order to trade with the natives, for these always come to them of themselves. But if we should allow the British to found a settlement at a distance of 10 leagues from the mouth, i. e. almost within our frontiers, and allow them free navigation from the ocean to that settlement and back, the purpose and meaning of Article II would come to nothing, and, instead of prosecuting illicit trade, this new settlement would prove a protection to the same and be a source of continual friction between the British and ourselves. Mr. Ogden declared to me personally, in 1832, that he had decided to sell (and was selling) strong drinks to the natives, as I have already reported to the Board in No. 181 of the same year; and at present he is selling fire arms and powder, although he has not stated this to me. Consequently will it be possible to allow the British to gain a firm footing on the boundary line at a distance of 10 leagues from the sea on all rivers, rivulets and streams, the mouths of which are situated in our possessions and to communicate unmolested in the sight of our ports and through our possessions with the dens of their contraband trade? Would not such an interpretation of the convention mean the desire of inventing possible causes for breaking the mutual agreement?

Mr. Ogden says that a factory of the Hudson Bay Company is situated on the lake where the river has its source, and that the Company needs a settlement on the river near its mouth not for the purpose of trading with the natives, but for more convenient communication with the interior of the continent. This statement, however, is untrue and the river Stikine will not facilitate communication with the interior, neither has the company any factories at its source; such statements of Mr. Ogden cannot be accepted.

Without doubt Mr. Ogden's only aim is to occupy the region where the natives living on the coast obtain river beavers, and then with their Canadians to hunt for these furs. It is in this manner that the Hudson Bay Co. obtains the greater part of their furs wherever they have settlements, since they have almost no need whatever to trade with the natives. Under command of a member in the confidence of the Company, a group of 20 to 30 Canadians roam with their wives and children in the favorable seasons of the year over all the places where there are river beavers, and possessing excellent traps and good guns they are not afraid of the savages, and manage to obtain beavers in great numbers. Does not this mode of hunting resemble the robbery of a band of brigands who trample on the rights and property of the aborigines? If the Hudson Bay Co. are allowed to trap river beavers in all the localities where the coast Kolosh of our possessions obtain their furs for trade, then the Kolosh will be brought to the deepest misery, losing the sources of trade which supplied them with merchandise constituting at present a necessity for this people. It is for this reason that the Stikines ask us most earnestly not to allow the British to enter the river; they foresee the fatal consequences to their people if the British succeed in cutting off their only source of trade. In fact the consequences will be terrible and unavoidable; the numerous, enterprising and formerly wealthy tribe of the inhabitants of the coast, (Kolosh) will become a tribe of brigands in the full sense of the word if they are brought down to abject poverty; losing the possibility of trading they will rob in order to procure for themselves the articles which the Europeans have taught them to need; supplied as

they are with guns, cannon and powder, thanks to the British and Americans, they can, if they act together, work fearful ruin by attacking the fort and vessels. Mr. Ogden himself told me that the inhabitants of the Kaigan Bay (on the southern frontier of our possessions) on account of the destruction of fur animals (sea otter) in their vicinity, and not being able to obtain them by trade from other tribes, have become very insolent, so that he is afraid to go to Kaigan with his vessels. He made the same remark with regard to the inhabitants of Queen Charlotte Island. This fact, acknowledged by Mr. Ogden himself, serves as a warning of what we would have to expect from all the Kolosh tribes should they lose their trading resources.

I ask again, does not humanity, justice, and the very duty of Russia with regard to the aborigines of her possessions in America, call us to the aid of the people, and must we not employ every means to prevent the British from occupying the localities desired by them, 10 leagues up all the rivers and rivulets falling into our straits? Article VI of the Convention treating on free navigation on rivers cutting the boundary line can refer only to navigable rivers or such as facilitate communication with the interior of America, and there are absolutely no such rivers flowing into our straits.

The possessions of the Hudson Bay Company in the south are extensive; they may treat the natives there as they please, we have never hindered them in any way and never will do so; does not justice demand that the Company deal in the same way with us and leave us in peace within our frontiers?

I hope that the board of directors will carefully consider the contents of this despatch and will communicate to our Government all the arguments on which I base my resolution not to allow Mr. Ogden to sail up the river Stikine—not having, however, taken any violent measures, acting thus strictly in accordance with Article XI of the Convention.[a]

Deputy Governor J. H. Pelly to ———.

HUDSON'S BAY HOUSE,
London, 24th October, 1835.

MY LORD: I have the honor to inform Your Lordship, for the information of His Majesty's Government, that from advices just received from chief Factor Mr. McLoughlin, the officer in charge of all the Hudson Bay Company's affairs on the north-west coast of America, an expedition was fitted out and despatched in the month of May 1834, agreeably to instructions previously issued by the Board of Direction, at which I preside as Governor of the Company, to form a trading establishment within the British Territories at a distance from the Ocean exceeding ten marine leagues up the Stikine river in about 56° 40′ N. Lat.

Your Lordship is aware that a convention was entered into between His late Majesty George the IV and the Emperor of Russia, signed at St. Petersburg 28 Febr. 1825, which determined the line of demarcation between the British and Russian territories on the North-West coast of America and I have now to complain of an infraction of the

[a] For correspondence with Ogden see *ante* page 269.

terms of that Convention, to the very serious injury of the Commerce of the Hudson Bay Co. by Baron Wrangel, port captain in the Emperor's navy and Principal Superintendent of the Russian-American Fur Company's affairs on the North-West coast, who opposed an armed force to our expedition and thereby prevented the objects for which it was outfitted being carried into effect.

In so doing the Russian Fur Company have violated the 6th article of the Convention which provides, that the subjects of H. B. M. from whatever quarter they may arrive shall forever enjoy the rights of navigation freely and without any hindrance whatever, all the rivers and streams which in their course to the Pacific Ocean may cross the line of demarcation upon the line of coast described in article 3d. of that Convention. They have thereby moreover violated the 7th article of the said Convention (which provides that for the space of ten years from the signature of that Convention the vessels of the two Powers or those belonging to their respective subjects, shall mutually be at liberty to frequent without any hindrance whatever, all the inland seas, gulfs, havens, and creeks on the coast mentioned in article 3d. for the purposes of fishing and trading with the natives) in as much as the ten years had not expired, when Baron Wrangel did oppose an armed force to our expedition and thereby forcibly prevented our entering the river and carrying the object for which it was outfitted into effect, thereby subjecting the Hudson's Bay Co. to a considerable pecuniary loss (expenses incurred in outfitting this expedition), independent of the injury which our commerce in that quarter has sustained, by being thus lowered in the estimation of the natives who have ever since our distinguished navigators Cook and Vancouver visited that coast, identified our interests as British subjects with those of the Govt. by whom they were employed.

Herewith I have the honor to transmit for Your Lordship's information in confirmation of the foregoing statements: N°. 1. Extract from Chief Factor Mr. McLoughlin Despatch, dated Forth Vancouver Columbia River, 14 March, 1835; N°. 2. Extract from Chief Trader Ogden's journal of the proceedings of the expedition under his command for the purpose of ascending the Stikine River; N°. 3. Copy of correspondence between Chief Trader Ogden and Baron Wrangel and other officers of the Russian-American Fur Company; N°. 4. Estimate of expenses incurred by the Hudson's Bay Co. in an attempt to erect an establishment at Stikine amounting to £22,150.10.11.

I have now to request Your Lordship will be pleased to afford me an early personal interview in order to lay the case more fully before you, with a view to obtain indemnification for the very serious injury we have sustained by the violation of the Convention and protection of the intended persecution of our valuable trade in that quarter for the future.

I have, etc. J. H. PELLY.

Article from "The Times", London, November 3, 1835.

[Inclosure in Mr. Wilkins' No. 16, see *ante* page 247.]

GREAT BRITAIN.

We subjoin a communication from a known correspondent, respecting certain proceedings on the part of the Russian authorities in the river Stikine, constituting a violation of the Convention signed in 1825 by Great Britain and Russia, touching the navigation of that river. By the articles of the Convention it is evident that the occurrence of differences similar to those which appear to have actually taken place had been foreseen by the framers of the Convention, who very prudently fixed the course which is in such case to be pursued. The 11th article of the Convention prescribes that "an exact and circumstantial report" shall be made, "in case of complaint, or an infraction of the articles of the Convention," to the respective governments. We hope the aggrieved parties have not failed to avail themselves of the right of calling attention to their case in the proper quarter. The affair is as follows:

"In the year 1825 a convention was concluded between Great Britain and Russia, by which a certain part of the north west coast of America (hereafter described) was ceded to the latter, with the provision, however, that for the period of ten years thereafter the right of trading on those parts of the coast should be allowed to the subjects of the King of Great Britain, with, however, certain restrictions in regard to the trade equally binding on both parties. By this treaty the perpetual right was secured to England of navigating those streams which, in their course towards the Pacific Ocean, might cross the parts of the coast allotted to Russia, by means of which the subjects of His Majesty of England might have access to their territories in the interior of the continent. In the year 1833 a company of British merchants, being desirious of extending their trade into the hitherto unexplored parts of the interior of the north-west coast (i. e. to the northward for some degrees of 56 N. latitude), and their only means of doing so with any prospect of success being by ascending one of the rivers on the coast, which might lead them at once to the desired spot, despatched in August, 1833, a vessel to the mouth of a river called Stikine, which desembogues in Clarence's Straits, in lat. 56 deg. 50 min. Up this river one of the company's officers proceeded to explore, and having found a place suitable for erecting an establishment at the distance from the line of coast prescribed by the treaty, he formally took possession of it. The natives of the adjacent country expressed their joy at the prospect of having an establishment near them, and appeared well disposed in everything. In consequence of the favourable report of the officer alluded to above, it was resolved to put into execution the proposed plan. Accordingly he was appointed to the command of a body of men, accompanied by several officers, and proceeded in one of the company's vessels to the mouth of the Stikine River, which was reached on the 18th of June 1834. Before anchoring at the mouth of the river a boat was seen approaching the vessel, and, having come alongside, a Russian officer handed some papers to the commander, the purport of one of which was to inquire the particulars of the vessel, object of the voyage, etc. Another contained a notice written in the English language, and signed by the Governor of the Russian American Fur Company, Baron Wrangell, by which they were informed that two Russian armed vessels were commissioned to cruise within the straits comprised in the tract ceded to Russia by the treaty of 1825, when foreign vessels had no longer any right to trade. Having returned an answer stating the object of the expedition to the commander of one of the vessels alluded to in the above-mentioned notice, which they were informed was anchored in a bay close by, they proceeded to cast anchor. Before long another Russian officer came, and peremptorily ordered the commander of the vessel to weigh anchor and leave the place, saying that the subjects of Great Britain had no longer any right to navigate those straits; and that if they attempted to proceed up the river, the Russian vessel would destroy their boats. After giving an answer to this person, a third came with the Russian officer's compliments and a request that the English Commander should visit him. This the conductor of the expedition accordingly did; and on reaching the spot where the vessel was moored, found a small blockhouse erected on shore. After getting on board the vessel he was informed by the Russian Commander that he had orders to prevent all strangers from resorting to the Stikine Straits, and more especially to prevent any persons from proceeding up the river. These orders he was determined to enforce, and for this purpose his brig was armed with 14 guns, and manned by 80 men. His consort (an armed schooner) was at that time cruising about the straits; but was expected to return shortly. The English officer seeing that the force opposed to him was much superior to his own, and wishing, as agreed in the treaty, to avoid coming to any

open rupture, endeavoured to convince the Russian Commander of the right possessed by British subjects to navigate the river; but the only answer he received was—"I care not for the treaty, I shall obey my instructions." At length the Russian Commander proposed that both parties should remain until an express, which he proposed sending, should return from Sitcha, by which he would receive fresh instructions how to act. Prudence compelled the commander of the expedition to assent, and he availed himself of the opportunity thus offered to communicate in writing the tenor of his instructions, and the object of the expedition, to the Governor of the Russian American Company, at the same time protesting against the right arrogated by the Russians of preventing British subjects from ascending the Stikine River. Eight days after the departure of the above-mentioned express it returned, and by it the commander of the English party received a communication from the Deputy Governor of the Russian American Company. After premising that the Governor, Baron Wrangall, was absent from Novo Archangelsk (alias Sitcha), it proceeded to state that by the article of convention of 1825 it was forbidden to British subjects to land at any place where there might be a Russian establishment, without permission of the governor or commander thereof; that as the Russian American Company had built at Stikine, they thought it expedient to prevent, considering that they had an indubitable right, all foreign vessels from frequenting Clarence's Straits and the adjacent coast; and that by allowing British subjects to proceed up the river Stikine, the commerce of the Russian American Company with the natives would be much injured; they therefore thought it right to act as they had done. It concluded by stating that the officer commanding at Stikine had received orders to abide by his original instructions. After the receipt of the above communication the English commander had an interview with the Russian officer, and was again informed by him that if he attempted to despatch a party up the river, or to trade with the natives on the spot, the force which was under his command would be employed by him to prevent it, and that he was determined to follow up the instructions given him. It was in vain that the conductor of the expedition reasoned and endeavoured to convince his opponent of the rights sanctioned to the subjects of the King of Great Britain by the convention of 1825. It was in vain that he pointed out to him the probable consequences of this breach of faith on the part of the Russians; in vain did he call his attention to that part of the treaty wherein it is specially stated that no hostile measures should be commenced by either party, but that in cases of dispute the particulars of the transaction should be forwarded to the respective Governments of the two parties for arbitration; the only answer was a reiteration of what he had already said. "I care not for the treaty. My instructions are my law; and my instructions I will enforce." Under these circumstances the officer commanding the expedition, considering that to attempt forcing the entrance of the river would be attended with much loss of life, and that contending with a force so much superior defeat was almost certain, resolved with reluctance to abandon the project, and accordingly weighed anchor on the 29th of June 1834. In the month of September following the commandant of the expedition above alluded to, thinking that by having a personal interview with the Governor of the Russian American Company, the Baron Wrangell, he might get the sentiments of the Russians more fully developed, proceeded to the head quarters of the Russian American Company, Sitcha, and on requesting the governor to inform him by what authority he had acted in molesting the subjects of His Britanic Majesty while in the peaceable exercise of those privileges sanctioned to them by the Government of Russia, was answered in the following strain: Having first alluded to the 2d article of the convention, upon the tenour of which he attempted to justify his conduct in preventing the navigation of the Straits of Stikine, and allowing (as indeed he could not deny) the right granted to the subjects of Great Britain of navigating those rivers which crossed the line of Russian territory (and which, of course, were the only direct means of communication with the interior,) he nevertheless contended that this privilege did not extend to rivers similar to that of Stikine, upon which there were no establishments already formed by British subjects, and which in itself was insignificant, and the course of it much interrupted by rapids, etc. He also intimated that no other object than that of injuring the trade of the Russian American Company induced the British to attempt an establishment in that part of the interior, which he was determined, right or wrong to prevent. This was all the satisfaction to be procurred by the representative of a body of British merchants from this gentleman, backed by a force of 14 armed ships. With this answer was a subject of Great Britain compelled to depart, leaving the subjects of Russia in quiet possession of those privileges in which, by a convention which ought to have been held sacred, the subjects of Great Britain were entitled to participate, but of the participation in which, by a gross violation of international faith, they were forcibly deprived."

(*Times.*)

Report of the Directors of the Russian American Company on the Driad Affair.

[Translation.]

November 14, 1835.—No. 1261

To His Excellency, General of Infantry, Member of the Council of State, Senator, Minister of Finance and Knight, Count EGOR FRANTZOVITCH KANKREEN.

REPORT.

In the report to His Imperial Majesty dated September 24th of last year and presented to you, Sir, the Board of Directors of the Russian-American Company had the honor to describe to His Imperial Majesty the newly built forts and among them, that fort situated in the midst of the Kolosh natives at the Stakine Strait, near the frontier line of Russian dominions at about 55° of northern latitude.

With the last mail, that of April 30th, the Chief Director for the Colonies, Baron Wrangell, Captain of the fleet, informs us, that this fort is quite finished and has been named the fort of St. Dionisius." Lieutenant Zarembo was in charge of its construction. He informed us that on June 13th, 1834, Mr. Ogden, the Commander of an English settlement at Naaz, came into the Stakine with a brig and announced his intention to settle higher up the river on the English frontier. But Zarembo acting upon his orders and according to the Treaty concluded between Russia and England, answered that he could not let the ship pass up the River Stakine without the permission of his commander. In consequence a truce of (10) ten days was decided upon. Baron Wrangell being absent from Novo-Archangel, his Assistant, Captain-Lieutenant Etolin, received the Lieutenant Zarembo's report and Mr. Ogden's letter and, in answer to the latter, referred to the XIth Article of the Treaty, where it is specified that the English are forbidden to put into places already occupied by us, without the consent of the Governor or of the Commander. He added that, as the intercourse of the English with the supposed settlers upon the Stakine river would have to take place now, as well as in the future by way of our dominions, the permission cannot be granted Mr. Ogden. After this, Mr. Ogden asked Lieutenant Zarembo "what measures he would take to stop him in case he should await a favorable wind, set sail and enter the river?" To this Zarembo replied: "Such an act would be contrary to Article XI of the Treaty but in order to avoid violating it myself, I shall not fire upon you and shall not resort to any forcible measures to stop you". Then Mr. Ogden left the Stakine.

On September 15th Mr. Ogden arrived at Novo-Archangel. Upon meeting Baron Wrangell he verbally informed him that he could find nothing in Article XI of the Treaty against his settling at a distance of 10 leagues up the Stakine river and referred to the English translation of the Treaty where the word "aborder" was translated "to land". He said that he had intended to sail up the river and to land only on reaching the English frontier. Baron Wrangell, in reply to this, said that Mr. Ogden would be violating the Eleventh Article even if, without his permission he should stop near our fort at Stakine. Mr. Ogden made a written answer. The Board of Directors has the honor to forward herewith the copy of this answer, as well as of two protests, dated June 19th and September 30th.

Supposing that the English will try to explain the Treaty to their advantage and in such a way as to show that the prohibition from entering the Stakine river was unlawful, Baron Wrangell presented his view of the question as follows:

It is quite clear that the Eleventh Article of the Treaty was introduced only with a view of preventing disagreements arising out of illicit trade between ourselves and the English. In so interpreting this article, we must suppose that the word "aborder", *to land*, means in general to come near the shore. It does not mean only to actually land but to anchor near the shore, because there is no necessity for foreigners to leave their ships in order to trade with the savages, because they always come to the ships. If the English be permitted to found a settlement at a distance of ten leagues from the estuary, that is to say, almost on our frontier and if they be permitted to navigate freely from the Ocean to this settlement and back, then there would be no meaning or purpose to Article XI and instead of preventing illicit trade, this new settlement would most certainly foster it. It would become a source of continual misunderstandings between ourselves and the English.

In 1832 Mr. Ogden personally informed Baron Wrangell, that he intended selling spirits to the natives and, at the present time, he is already selling fire-arms and gun-powder, without informing Baron Wrangell thereof. Consequently, Baron Wrangell says we cannot allow the English to settle near our frontier, ten leagues from the coast on those rivers, rivulets and water-courses, the mouths of which are within our territory or permit them to keep up a communication through our possessions and protected by our fortresses and with the localities of their smuggling trade.

Mr. Ogden told Baron Wrangell that a factory of the Hudson's Bay Company is situated on the lake whence the Stakine river flows and that the Company desires a settlement on the river near its mouth, not for trading with natives, but to secure easier communication with the interior of the continent. Baron Wrangell's reply was, that this information was incorrect, that the Stakine could not make the communication with the interior any easier and that the Hudson's Bay Company had no factories near the source of the Stakinè.

Baron Wrangell reaches the following conclusions: that Mr. Ogden's sole motive was to settle in the country whence the natives living near the coast obtain otters. He desired to employ his men in this trade. But if the Hudson's Bay Company be allowed to catch otters even in those places whence the Colosh, living on the coast of our dominions, obtain their trading products by means of exchange, these latter would be reduced to the greatest poverty being deprived of their source of trade, which furnished them with supplies necessary to their existence.

As a proof of this Baron Wrangell alludes to the inhabitants of the Stakine who earnestly beg that the English should not be admitted to the river. They foresee bad consequences for the nation, if the English succeed in depriving them of their sole source of income. And, continues Baron Wrangell, the consequences are likely to be disastrous. The numerous, enterprising, and very rich tribe of coast dwellers, the Colosh, would, on being reduced to poverty, become a tribe of veritable robbers. Being deprived of trade they will steal in order to receive those things, to which the Europeans have accustomed them. Supplied by the English and Americans with guns, cannon and powder, they could, if they unanimously desired so to do, make fearful ravages upon the fort and ships. This opinion of Baron Wrangell is founded upon facts. As Mr. Ogden himself told him, the inhabitants of the Gulf Kaygan, on the southern frontier of our straits, have already grown so insolent since they had been deprived of the otter trade and they could no longer traffic with other tribes,

that Mr. Ogden is afraid to visit Kaygan with his ships. He made the same observation in regard to the inhabitants of Queen Charlotte Island. This circumstance cited by Mr. Ogden himself, serves as a warning of what we may expect of the Colosh, if they are deprived of the source of their commerce.

Finding the observations of Baron Wrangell to be worthy of consideration as concerning the present state of affairs, as well as in the future, which he so clearly foresees, the Board of Directors presented them for the consideration of a Council, organized under Supreme sanction. After a careful consideration of all the circumstances set out in the report of the Chief Commander for the Colonies, Baron Wrangell, concerning the unlawful efforts of Mr. Ogden to pass our frontiers to a settlement, which the English desire to establish in their territory, the Council turned to the Second and Sixth Articles of the Treaty, to which Mr. Ogden referred, arrogating to himself the right of free navigation on the Stakine river, which flows through our dominions and where we already have a settlement. The second Article stipulates: "that His Britannic Majesty's subjects have no right to land at places where there is a Russian establishment without the permission of the local Governor or Commander." On the Stakine there is already a Russian fort, named St. Dionisius and trade is being carried on with the natives, therefore in this case Article second of the Treaty clearly and definitely forbids the English from landing (without the permission of a Russian Chief) and also from navigating in the waters adjacent to the shore. The violation of that Article should be considered as a breach of the terms of the Treaty. Article VI, further stipulates: "that the subjects of His Britannic Majesty shall forever enjoy "the right of navigating freely and without any hinderance whatever all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation upon the line of coast described in Article III of the present Convention." From a superficial view of this Article, Mr. Ogden understood, that the English had full right of navigation in all rivers and streams flowing in our dominions and that therefore they could also navigate in the Stakine river whenever they pleased. But, on studying this Article with due attention it is evident, being at the beginning thereof, that the phrase "it is understood" is intended to indicate that it is not a separate stipulation, but only an explanation of the preceding articles and that it therefore cannot change the meaning of the Second Article. Besides the Sixth Article reserves to the English the right of free navigation only on those rivers and streams which in their course towards the Pacific Ocean *cross the line of demarcation upon the line of coast* described in the Article III of the Convention. Now the Stakine river runs through Russian territory but does not reach the coast as described in Article III, the southern boundary of the Russian territory being 54° of northern latitude. The English therefore can lay no claim to freely navigate the Stakine river, that being clearly forbidden by Article II of the Convention setting forth the general right of property of all nations. It is also prohibited by Article VI, because the Stakine river does not cross the line of demarcation upon the line of coast, which it would have to do in order to make it free for navigation.

In view of these circumstances, which make it quite clear that the Convention gives no right to the English to navigate the Stakine river

to the injury of our trade and the local inhabitants, as the Chief Director for the Colonies, Baron Wrangell has pointed out, the Council *recommends* that in order to avert such unfavorable consequences for the Russian-American Company, the Board of Directors should furnish full information of all the facts to the Minister of Finance, begging His Excellency to forbid the forcible navigation of the rivers and streams of our dominions safeguarded by Articles II and VI of the Convention.

Informing Your Excellency of these details, the Board of Directors takes the liberty of asking Your Excellency to take further measures in order that a forcible navigation of rivers and streams in our dominions may be forbidden to foreigners.

HLIEBNIKOV, *Director.*

Lord Durham to Count Nesselrode.

November 29/December 11, 1835.

The undersigned, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary, has received Instructions from his Government, to submit to H. Exl. the Vice-Chancellor Comte de Nesselrode, the accompanying copies of a letter and its enclosures, transmitted by the Governor of the Hudson's Bay Co., complaining that the Russian Authorities on the N. W. coast of America, have interfered with an expedition fitted out, under the directions of that Co. for the purpose of forming a settlement ten leagues up the Stikine River in 56° 40′ N. Latitude; an interference by which the Co. have sustained a loss of £ 22.150.10. s. 11 d. Sterling. The reciprocal rights of the crowns of Great Britain and Russia on the N. W. coast of America, are defined by the Treaty concluded at St. Petersburgh on the 16/28 February 1825, of which H. E. the Vice-Chancellor Comte de Nesselrode was a signing Party. The 6th article of that treaty stipulated that "the subjects of H. B. Majesty from whatever quarter they may arrive, whether from the ocean or from the Interior of the Continent, shall forever enjoy the right of navigating freely and without any hindrance whatever, all the rivers, and streams which in their course to the Pacific Ocean, may cross the line of demarcation upon the line of coast described in article III of the present Convention."

The article 7th stipulates " that for the space 10 years from the signature of the present convention the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, creeks, on the coast mentioned in the article III for the purpose of fishing and trading with the natives."

The treaty having been concluded on the 16/28 day of February 1825, the term of ten years specified in the last mentioned article did not expire until the 16/28 February of the present year. But notwithstanding this, the Russian Authorities on the coast issued on the 15/27 May, 1834, a notification to foreign merchant vessels, that thenceforth no trade would be allowed with the Indians within the territory of Russia and in virtue of the same notification, warned off the British Expedition which arrived off the Stikine River on the 16/28 of June 1834.

But the British Expedition although entitled under the treaty to frequent and trade in the waters of the Russian Dominion until the

expiration of the above mentioned period of ten years, had not been fitted out with that view, but was undertaken for the purpose of exercising the right secured to British subjects *forever* by the 6th article of the treaty to "navigate freely" one of those streams which in their course towards the Pacific, cross the line of demarcation upon the line of coast described in the 3rd article of the treaty and the ultimate object of the expedition was to form a settlement, *within the British Territory.*

The obvious meaning of the 6th article of the treaty is, that British settlers should have the opportunity of conveying to the sea the produce of their industry, notwithstanding that the coast itself is in the possession of Russia; and the undersigned is convinced that the Government of His Imperial Majesty will not be disposed to sanction in opposition to the clear stipulation of the treaty, the argument put forward by the Russian authorities in justification of their conduct, namely, that the formation of the intended British establishment might prove injurious to Russian commerce.

The treaty recognizes no such principle as is involved in that argument. On the contrary the 5th article stipulates that "no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other," and it therefore clearly implies that the respective Governments contemplated the formation of new establishments within their respective territories; and the subsequent article secured to all British establishments then formed; or thereafter to be formed, a free communication with the ocean through the territories of Russia.

No less unfounded is another pretence set up by the Russian authorities as a ground for justification for their conduct, and which they seek to draw from the 2d article of the treaty. That article stipulates, that "in order to prevent the right of navigation and fishing exercised upon the ocean by the subjects of the High Contracting Parties, from becoming a pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty, shall not land at any place where there may be a Russian establishment without the permission of the Governor or Commandant." It does not appear that the British expedition referred to in the present papers, had any design whatever, to land at a Russian establishment, or to carry on commerce of any kind on the coast. But, even if the British expedition had manifested any disposition to land, the Russian Authorities could only have been justified in preventing them from doing so and could have no right whatever to prevent the expedition from passing up the river.

With regard to the further allegation of the Russian authorities "that the 6th article of the convention can have no application to such rivers, as the Stikine, upon which there is no British establishment in the interior, and which is besides, an insignificant and shallow river, and interrupted by cataracts in such a manner as not to be adapted for facilitating the communications with the British possessions in the interior," the 5th article of the treaty disposes of the first part of this allegation; and with regard to the latter part of it, the undersigned has only to observe, that the 6th article of the treaty contains no limitation as to the size, depth, or character of the rivers, to which it is applicable, but declares generally, that the subjects of H. B. M. from whatever quarter they may arrive, whether from the Ocean or from the interior of the continent, shall *forever* enjoy the right of navigat-

ing freely and without hindrance, *all* the *rivers and streams* which in their course to the Pacific Ocean may cross the line of demarcation upon the line of coast described in the article III of the present convention."

The undersigned cannot conclude his observations upon this subject to H. E. the Vice-Chancellor Count de Nesselrode, without expressing some surprise, that the Russian authorities, at the very moment they were driving the British expedition from the coast by threats of actual violence, should quote the 11th article of the convention, which provides that "in every case of complaint on account of an infraction of the articles of the present convention, the civil and military authorities of the High Contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report to their respective courts," neither, can he avoid calling His Excellency's attention to the unbecoming declaration of the Russian Lieutenant Commander Sarembo, to the Superintendent of the British expedition, that his instructions were to prevent the expedition and that by those, and not by the treaty, would he be guided. His Majesty's Government do not entertain a doubt of a sincere disposition on the part of the Russian Government, to execute with good faith the provisions of the treaty, they are likewise convinced that the conduct of the local authorities was unauthorized by the Government of His Imperial Majesty and that it will be at once disavowed by them.

The undersigned is therefore instructed to bring this subject before the Russian cabinet, to express the confident expectations of his Government, that redress and compensation will be granted without delay by the Government of H. I. M. to those British subjects who have been aggrieved by this infraction of the convention and to add the earnest hopes of his Government that such orders may be immediately forwarded to the Russian authorities on the N. W. coast of America, as may prevent the occurrence of similar violations of the treaty.

The undersigned avails himself of this opportunity to repeat to H. E. the V.-Chancellor Count de Nesselrode, the assurances of his most distinguished consideration.

St. Petersburg, November 29/December 11, 1835.

(Signed) DURHAM.

To His Exc'ly The Vice-Chancelor COMTE DE NESSELRODE.

Count Nesselrode to the British Ambassador, December 21, 1835.

[Translation.]

The Undersigned, Vice-Chancellor of His Majesty the Emperor of all the Russias, has received the note that His Excellency Lord Durham, Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty has done him the honor to address to him on the 29 November 11 December.

The matter therein treated, as far as it concerns a difference which has arisen between Russian and British subjects, has already, for that reason only, caused sincere regret to the Imperial Ministry, and this regret is all the deeper because reports arriving here directly on this same affair, are of a nature to confirm the supposition that the authorities of the Russian settlements on the North-West Coast of America have, on the arrival in those parts of a vessel belonging to the Hudson Bay Company, acted in a manner which is far from the intentions of the

Imperial Government and its constant desire to maintain and strengthen the friendly relations now subsisting between the two Powers. It appears, in fact, by connecting the circumstances as presented by Mr. Ogden and by the local authorities, that the latter were mistaken in the interpretation and application of some of the stipulations of the treaty of 1825, and that it is, namely, on account of this deplorable error, that they believed themselves unable to acknowledge the right of Mr. Ogden to enter a river on which no English settlement as yet existed, whilst its mouth was commanded by a Russian redoubt, where Article II of the treaty prohibits foreigners from landing without the permission of the commandant. However plausible the reasons on which such an interpretation was based may have appeared at the first moment, the Imperial Ministry cannot help acknowledging that it does not agree with the true spirit of the Convention of 1825 and of Article 6 particularly.

The Undersigned is even authorized to declare to His Excellency Lord Durham that the Imperial Government can only disclaim the interpretation given the several stipulations by the local authorities, which stipulations have been pleaded on both sides, and that it will, without delay, acquaint them with its disapproval in the matter, and at the same time it will take the necessary steps to prevent the recurrence of such a grievous misunderstanding.

This assurance and the frankness which His Imperial Majesty has insisted should preside over it, must offer to the Government of His Britannic Majesty a new proof of the fidelity that the Imperial Cabinet brings to bear on the support of existing treaties and of its earnestness to right the just grievances that may arise in the matter. Lord Durham will also find, the undersigned hopes, an entirely satisfactory answer to the several arguments submitted in his note and principally caused by the more or less hazardous assertions and sayings that Mr. Ogden imputes to the Russian officers with whom he has come in contact. In this regard, the undersigned deemed it proper to observe that, as the parleying that has occurred in the matter, has been done through the medium of several interpreters, whose correctness it would be difficult to guarantee, these sayings and assertions may not be admitted as accomplished facts, or it may be allowable not to give them such a value as would justify the legal consequences that might result from them. This observation refers especially to the pretended threats that the Russian officers may have indulged in towards Mr. Ogden, in case he persisted in his intentions to ascend the river Stakhine, because it is proved by the reports of the local authorities transmitted here and by their correspondence with Mr. Ogden, that no threat whatever has been made by them.

On one side Naval Lieutenant Zarembo reports, that having been questioned by M. Ogden as to what he intended to do in case he, Ogden, should avail himself of the first favorable wind to enter the Stakhine, he declared that, in that case, in order not to act contrary to Article II of the Convention which expressly prohibits the respective authorities, both civil and military, from using violence or forcible measures, he would not fire on the English vessel, nor commit any act of violence towards it. On the other side, Lord Durham will kindly notice that in his letter to Captain Ogden of September 19, 1834, a letter which is among the papers submitted by His Excellency Baron Wrangel, whilst announcing that he had issued orders to the Commandant of the fort

of Stakhine, *not to allow* foreigners *to enter* the river of that name, he hastened to add these words: "that is, *not to permit them* the entrance, &c" thus giving the Commandant to understand, that the opposition as prescribed, must be confined to a simple *refusal of permission*, so that if, notwithstanding, M. Ogden had decided to pursue his course, he would be doing it without the knowledge and consent of the local authority. Furthermore, Baron Wrangel ends his letter by expressly declaring, that finally he would act in the sense of Art. II of the Convention, and he thus clearly defined his intention of abstaining from violence or forcible measures, whatever might be the course the English Captain decided to follow.

The undersigned believes he must insist on this fact, not only to justify the local authorities from the reproach they have incurred of having proposed an erroneous interpretation of the treaty with formal threats, as well as to exhibit in its true light the demand for indemnity which the Hudson Bay Company bases, on its side, on the kind of opposition that its vessel met with. It appears, in fact, that M. Ogden encountered no material impossibility, nor even probable danger of any kind in pursuing his course, and that, if he, nevertheless, preferred to give it up and abandon a plan the execution of which had been entrusted to him by the Hudson Bay Company, he yielded less to an absolute necessity than to an excess of prudence, for which he alone is responsible to his employers, that therefore, these can only claim from him, and not from the Russian authorities, whatever losses they may have suffered on that occasion.

The undersigned cherishes the hope that, by viewing this affair from the same point of view of strict equity, and in return for the frankness with which the Imperial Cabinet has hastened to recognize the principle of the treaty, the maintenance of which is equally important to both Governments and to their respective subjects, the Cabinet of His Britannic Majesty will not grant its support to a demand for indemnity, that it would be impossible to admit as founded on right.

Begging Lord Durham to bring this present note to the knowledge of his Government, the Undersigned has the honor to reiterate to His Excellency the assurance of his high consideration.

ST. PETERSBURG, *December 21, 1835.*

COUNT DE NESSELRODE.

Board of Directors of the Russian-American Company to the Department of Trade and Manufactures, January 3, 1836.

[Translation.]

Memorandum concerning the affair in dispute between the Russian-American and the Hudson's Bay Companies.

In the report of Count Nesselrode to His Excellency Egor Frantzevitch [Kankreen], the conclusions as to what would probably be the results in the correspondence of the Stakine affair are based upon the opinion that the Russian Colonial authorities were the first to break the sixth Article of the Treaty

The Colonial Authorities really never supposed, that our protecting Government, in granting special privileges to the Russian-American Company for the assurance of its existence, had also granted to foreign-

ers such rights and privileges as would inevitably ruin the Russian-American Company and force the Russians out of all the places on the American continent. But observing that in the correspondence with the English Embassy, our Government has already acknowledged the prohibition of entering the Stakine to be a breach of Article VI, it would be unreasonable to cite here the reasons which induced the Colonial Authorities to consider it their right to act upon Article VI in another than the strictly literal sense of the words.

Nevertheless the Board of Directors of the Russian-American Company is bound to draw attention to the following considerations.

1. To the ruinous consequences not only to the prosperity of the colony, but to the integrity of our dominions on the continent of America, if the English be allowed to establish their factories on all the water-courses upon the boundary line, that is within ten miles from the coast.

2. Should our Government consider the claim of the English as just in principle and should it make the Russian-American Company pay for the losses claimed by the Hudson's Bay Company in consequence of the non-admission of its ship into the Stakine, still more should the English Government acknowledge the claims of the Russian-American Company as an indemnity for the losses caused to it by the English violation of that article of the Convention, in which they are prohibited from selling fire-arms and spirits. Before the establishment of the Stakine settlement, namely in May, 1832, the Colonial Authorities had officially reported to the Board of Directors of the Russian-American Company that the Agent of the Hudson's Bay Company, Mr. Ogden, visiting Sitka, had an interview with the General Manager of the Colonies and had declared, that he, Ogden, was forced to sell rum and that he had already given notice of this, which was contrary to the Treaty, to the authorities in England. The testimony of most of the natives inhabiting the shore of the straits belonging to Russia, even before this declaration of Mr. Ogden, had assured the Colonial Authorities that the English were selling them not only rum, but also fire-arms and gun-powder. Consequently the English were in all justice the first to violate the Convention.

The settlement on the Stakine was principally established for the purpose of placing some obstacle, however small it might be, to this illegal traffic and to prevent any further penetrating into the heart of our dominions.

The losses suffered by the Russian-American Company, thanks to the violation of the Treaty by the English, are very important both from a material and moral aspect. The sale of gun-powder and rum by the English to the natives, has not only diverted their trade from us to the English ships standing in our straits, but has caused the natives to turn against us and call us oppressors, the opposite of the English who provide them with all they want.

Therefore it would seem advisable that, should the Hudson's Bay Company persist in claiming the indemnity for her losses, it should on its part compensate the Russian-American Company for the losses caused to it by the English sale of gun-powder and rum from their ships visiting our straits.

If the contents of this note should be honored with approval, might it not be judged advisable to add the above cited arguments to the Memorandum to be sent to the English Minister?

The following circumstances might also be explained:

1. The Russian ship which was stationed at Stakine when the English came there, was not a war-ship, but a ship of the Company, fitted out with cannons and crew no stronger than that of the English, and the hull of the brig *Dryad* was longer, wider and higher than that of the brig *Tchitchagoff*. Consequently the English fear of violence on the part of the Russians was improbable, apart from the verbal and written declaration that Article XI would be strictly observed by us.

2. The statement that the Russians endeavored to irritate the natives against the English ought also in justice to be rejected, as an unfounded calumny. In explanation it is necessary to observe that the strongest and most numerous tribe of the natives dwell upon the sea coast and upon the rivers and streams, but they themselves do not catch otters (the chief article of trade in these countries) because the animals are not found where they live. On the contrary they go, at certain periods, into the interior of the continent to obtain furs from the tribes there, in order to resell them afterwards to the Europeans at a profit. Consequently the natives had reason to favor our European settlement in the estuary and to oppose any settlement in the interior among those tribes who, up to now, have provided them with furs, which would thus pass to the English at first hand.

And more than this: the English brought with them Canadian hunters for the purpose of catching sea-otters themselves, as they do whenever an occasion presents itself. Consequently, not only the coast tribes, but those in the interior as well, would loose their property and the profits of their trade. It seems that, such being the state of affairs, the natives had every reason to be angry with the English and to oppose their entrance into the river threatening to attack their projected settlement in the interior, up the Stakine river, and this without any encouragement on the part of the Russians.

To the DEPARTMENT OF TRADE AND MANUFACTURES.

The Board of Directors of the Russian American Company to the Governor of the Russian American Colonies, Ivan Antonovich Kupreyanoff, March 12, 1836, No. 248.

[Translation.]

From the report of your predecessor Baron Wrangell, of April 30, No. 135, on the trade with the Kolosh in our straits, and on the condition of the Dyonisius redoubt, the Board of Directors noticed with pleasure that the scope of our operations increases through acquaintance with Chilkat and that there is hope of obtaining furs from the natives of that bay as well as from those of the Taku canal discovered by Mr. Kuznetsoff.

The Board of Directors begs of you to maintain Baron Wrangell's dispositions with regard to the sending there of vessels with merchandise and the reinforcement of Dyonisius redoubt by the alternate detail of vessels there for greater security.

With regard to the opinion of Ferdinand Petrovich, expressed in the same report on the diminution of prices for furs bought from the Kolosh, the Board of Directors begs of you to take it into consideration and put it into execution gradually, if not at once. Better qual-

ity of river beavers and otters are received from Sitkine than from Sitka, and on account of this somewhat higher prices ought to be paid for them than for the Sitka ones. The black fox obtained from Chilkat is also of better quality, consequently for the purpose of encouraging the natives in bringing the furs entire and not in ready sewed garments, it is necessary to show the same distinction in payments and according to this, making arrangements with regard to other furs, taking into consideration both quantity and quality in their trade, the one compensating the other.

TV. PROKOFYEFF
N. KUSSOFF
A. SEVERIN.

Count Nesselrode to the British Ambassador, March 10, 1837.

[Translation.]

The undersigned, having received the note that His Excellency Lord Durham, Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty has done him the honor to address to him on the 4/16 February last, has taken all the more interest in getting acquainted with the documents that accompanied it, as they seemed destined to cast a new light on the claim that the English Company of Hudson Bay brings against the Russian-American Company. However, an attentive examination of these documents has convinced the undersigned that no new fact had been developed in support of the said claim, or that was of a nature to invalidate the arguments that the Imperial Ministry had considered its duty to present in opposition. In fact, among these documents, some were already known to the Imperial Ministry by previous communications of Lord Durham, namely: the report of Mr. Skeen Ogden, and the papers of his correspondence with the authorities of the Russian settlements on the North-West Coast. Others contain both the depositions of different individuals that took part in the expedition of the *Dryad* towards the Stakhine, or had knowledge of it, and the detailed specifications of the damages and interest that the Hudson Bay Company claims payment of.

What the said Company strives to prove by these documents, is that the authorities of the Russian settlements on the North-West Coast not only did not permit the *Dryad* to enter in the Stakhine, but that they went as far as threatening the chief of that expedition to use violence towards him, in order to force him to retire and that it was those threats, as well as the evidence of the danger they entailed that led Mr. Ogden to abandon the enterprise which had been entrusted to his direction.

In thinking over these different allegations, the undersigned must refer to the note he had the honor to address to the Ambassador, dated December 21, 1835. His Excellency will be kind enough to remember that the Imperial Government earnestly disavowed the erroneous interpretation of the Convention of 1825, on which was based the refusal to admit the English vessel into the Stakhine. As for the threatening speeches attributed to the Russian officers, it was proved in that same note of December 21, that nothing establishes their reality, not only because the Russian officers declare to the contrary, but also because their reports to the Imperial Government and their correspondence

with Mr. Ogden, show that they expressly announced their intention to abstain from all manner of violence in order not to act against the stipulations of the treaty. It would seem that on this point, the testimony of individuals who were heard in the case by direction of the Hudson Bay Company and that, besides, could only testify through interpreters whose veracity is not guaranteed, cannot in the eyes of the Imperial Government, deserve more credence than the reports of its own authorities and their written communications to Mr. Ogden.

The fact of alleged threats, being thus reduced to its fair value, the evidence of the danger caused by these threats and that would have been incurred by the *Dryad*, had it pursued its course, naturally disappears, and with it goes the principal argument on which the English Company has based its claim for an indemnity.

In his note of the 21st of December, the undersigned stated that if Mr. Ogden thought best to give up the pursuit of his expedition and abandon a project the execution of which had been entrusted to him by the Company, he yielded, not so much to an absolute necessity as to an excess of prudence. However, this point of view has been modified in a measure when the undersigned read the testimony of Messrs. Charles Kipling and Alexander Duncan, both being ocular witnesses of what occurred whilst the *Dryad* was stationed at the mouth of the Stakhine. According to their statement, one of the principal motives that determined Mr. Ogden to leave those parts, after a consultation had been held on board his vessel, was the danger to which he and his companions were exposed from the native Indians, these having threatened to massacre the officers and crew of the *Dryad*, as well as the other persons who accompanied the expedition, if they attempted to ascend the river. This fact deserves to be noticed because it proves that it was not an excess of prudence, as the undersigned considered it at first, but the foresight of a real danger that prevented Mr. Ogden from fulfilling his commission to the end; in fact, that it was not the alleged threats of the Russian authorities, nor their protests that have caused the expedition of the *Dryad* to fail, but it was unsuccessful, because the agents of the Company, during their voyage in 1833 to explore the country with a view of forming a settlement, had mistaken the real disposition of the natives and that it is only on their return, the year after, that they became convinced that the contemplated settlement would not be tolerated by the Indians themselves.

It is possible to suppose that, struck by this certainty, Mr. Ogden would have eagerly seized the pretext furnished him by the opposition of the Russian authorities, in order to retire, letting the consequences of his conduct fall on them.

However this hypothesis may be, it henceforth remains proved that the opposition of the Russian authorities has not been the true cause of the withdrawal of Mr. Ogden, or at least that it cannot be considered as the principal obstacle to the pursuit of his expedition; and this certainly can only confirm the Imperial Government in its view of the matter, which has not allowed it to recognize the justice of the claim which the Hudson Bay Company brings against the Russian-American Company.

Begging the Ambassador of His Britannic Majesty to submit this view to the attention of his Government, the undersigned has the honor, &c.

COUNT DE NESSELRODE.

Count Nesselrode to the British Ambassador, March 10, 1837.

[Translation.]

CONFIDENTIAL.]

In answering to-day the official note that Your Excellency sent me on the 7/16 of February, I duly return enclosed, according to Your Excellency's expressed desire, the original papers that accompanied it. If the examination of these papers could have any influence over the opinion that the Imperial Government had previously formed relative to the matter in question, that opinion would be modified to the prejudice rather than in favor of the claim instituted by the Hudson Bay Company. I shall not return to the arguments that I have discussed on the subject in an official note of this day's date, unless it is to express the just hope, My Lord, that Your Government will be pleased to consider them and judge them with equity. But there is one fact that I can not overlook and which I prefer to submit to you, My Lord, in this confidential letter.

More than once already, the authorities of our settlements on the North-West Coast have complained to the Imperial Government that foreigners, coming to trade in those parts, furnish arms and ammunition to the natives, in violation of the positive stipulations prohibiting such trading. So long as these complaints were unaccompanied by data proving a special fact, the Cabinet of the Emperor abstained from making a formal application to the Britannic Government, however real and grave for the safety of our settlements, were the consequences of a traffic that furnishes the natives the means of practicing acts of hostility against them.

To-day, however, it appears from the papers Your Excellency forwarded to me, that the complaints of our authorities are not devoid of foundation, for Mr. Alexander Duncan acknowledges without subterfuge, that at the time of the first visit that he made in 1833, with Mr. Ogden, on the borders of the Stakhine, they exchanged with the natives, among other merchandise, gunpowder for sealskins. Does not the frankness with which this fact is stated in the testimony of Mr. Duncan, prove that the sale of gunpowder is not considered in those regions as an illicit act, and is it not easy to infer from it a proof of what the Russian authorities have stated more than once, namely that such a trade is carried on a scale infinitely prejudicial to the peace of our settlements?

I deem it my duty to point out to Your Excellency a state of affairs that is so evidently contrary to the letter as well as to the spirit of the convention of February 16/28, 1825 and beg Your Excellency to kindly call the attention of your Government to the necessity of efficiently repressing abuses which, of course, do not justify, but that explain the refusal of our authorities to allow Mr. Ogden to return to those regions where, the year before, both he and his companions had transacted operations expressly prohibited by the treaty.

Accept, etc.

COUNT DE NESSELRODE.

Lord Durham to Count Nesselrode.

ST. PETERSBURG, *March 24, 1837.*

SIR: I have had the honor of receiving Your Excellency's note and confidential communication respecting the claim of the Hudson's Bay

Company and shall according to your Excellency's desire bring them under the notice of His Majesty's Government.

At the same time I cannot do so without submitting to Your Excellency some considerations which forcibly impress themselves on my mind, on perusing the above mentioned communication.

Your Excellency supports the renewal of your refusal to grant the compensation demanded by the Hudson's Bay Company by reference to the additional facts which have been discovered in the Documents laid before you on behalf of the claim, and which, as Your Excellency contends, prove that the British Expedition was deterred from proceeding more from fear of the Indians than of the Russians.

I cannot but think that an incidental and supplementary remark made by Messrs. Kipley and Duncan ought not in candour to have formed the foundation of a charge against the British Expedition, of having disguised the real cause of their failure, and invented the pretext of Russian hostility, when in reality it had been caused by the opposition of the natives. All the facts alleged, and all the proofs adduced prove the contrary—but even supposing that the allegation which Your Excellency suggests was true, and that the dangers to be apprehended from the tomahawks of the Indians outweighed those arising from the cannon of the Russians, it does not follow that both dangers had not one common origin—The Russian Fur Company—and the actions and menaces of the Indians were not as much directed by Russian influence as the guns of the ship of war were pointed by Russian seamen.

So far therefore from this fact weakening the claim of the Hudson's Bay Company on the Russian Government, in my mind it greatly strengthens it, as it shews the extent of the means which were resorted to in order to prevent the success of the British Expedition.

With respect to the other observation regarding the sale of Gunpowder to the natives—it rests also on a casual word in the deposition of Mr. Duncan. There is every probability from the mode in which it is mentioned, that it was only a small quantity for hunting purposes; at any rate, as it was sold to Indians in alliance with the Russians and subsequently actively engaged in cooperating with them in repelling the British Expedition, it could not have taken place with any hostile views, or in wilful violation of the Convention. Moreover, it could not justify the violence with which my countrymen were treated, as the circumstance was not known to the Russian Authorities there, and was only discovered, by the perusal of Mr. Duncan's affidavit a few weeks since.

I must therefore firmly deny that the British are liable to the reproach of having supplied the enemies of Russia on the North West coast of America with ammunition and weapons of war. I will remember, when discussing last year with Your Excellency the subject of the renewal of the American Convention, that whilst the practice of the American Traders in this respect were complained of by Your Excellency, you at the same time acquitted the British of any such violation of the Convention of 1825.

Your Excellency will excuse my offering you this short reply to arguments, which I must say have all the appearance of being founded on after considerations, and do not bear the marks of that candid, fair

and equitable spirit, which usually distinguishes the communications of the Russian Cabinet.

I have the honor to be with the highest consideration, Sir,
Your Excellency's most obedient servant

DURHAM.

To His Excellency COUNT NESSELRODE, etc.

Mr. Milbanke to Count Nesselrode.

ST. PETERSBURG, *July 13, 1837.*

The Undersigned, Her Britanic Majesty's Minister Plenipotentiary, has been instructed by his Government to address to His Excellency, the Vice-Chancellor, Count Nesselrode, the following observations, in reply to His Excellency's notes to the Earl of Durham of the 22nd of March last, upon the subject of the claim of the Hudson's Bay Company, and in addition to the observations already made on the Count Nesselrode's notes by the Earl of Durham in his note of the 24th of March.

Count Nesselrode rests the continued refusal of the Russian Government to make compensation to the Hudson's Bay Company in the first place, upon the ground that the opposition of the Russian Authorities was not the real cause, or at all events not the principal obstacle which prevented the British Expedition from proceeding up the Stikine River.

To this allegation, Her Majesty's Government conceive, that a sufficient answer would be furnished by the admission of the Count Nesselrode himself in His Excellency's confidential note of the 22nd of March, in which His Excellency states, that the circumstance of Mr. Ogden having in his first visit to the River Stikine in the year 1833, supplied the natives with Gunpowder in exchange for Peltries, explained although it did not justify, "the refusal" of the Russian Authorities to allow Mr. Ogden in the following year to proceed to the district in which he had so traded, in articles prohibited by the Treaty.

It is upon the fact of this *refusal* on the part of the Russian Authorities to allow the Expedition to proceed, that the claim of the Hudson's Bay Company rests. That fact appeared to His Majesty's Government to have been sufficiently established by the evidence already adduced, but it is here distinctly admitted by Count Nesselrode himself;—and the Undersigned is instructed to observe that such a refusal notified by the Commander of a ship of war to the Master and crew of a Merchant ship, must be held to be equivalent to a threat, that force would be employed if necessary to carry it into effect; and therefore, the reluctance of the Hudson's Bay Company to expose the Expedition under their charge to the probable consequences of disregarding a notification so made to them, cannot justly be imputed to them as an excess of caution not warranted by the circumstances of the case.

Count Nesselrode further alleges, that it appears by the depositions of Messrs. Kipling and Duncan, that one of the principal reasons which occasioned the departure of the Expedition from the Stikine was the apprehensions entertained by the British parties of danger from the Indians; and his Excellency would therefore have it to be inferred, that it was the apprehension of real danger, and not excess of prudence, as he had previously alleged, which caused the expedition to be abandoned.

But the Undersigned is instructed to remark, that the real purport of the deposition in question, is not exactly what Count Nesselrode represents it to be. The deposition of Mr. Kipling states, that it was the declaration of the Commander of the Russian Brig, and the threats of the Russians which rendered the parties in charge of the expedition apprehensive not only that the great danger was to be apprehended from the officers and crew of the said Russian Brig, but also from the Indians in that quarter, who were under the influence of the Russians: and the deposition of Mr. Duncan states, that, "in consequence of the "threats, of the said Russian officers, and of the Indians under their "influence," it was resolved to abandon the Expedition.

It is manifest, therefore, from these passages, that the danger principally apprehended was from the threats of the Russian officers; and also, that the further danger, whatever that might be, which was apprehended from the Indians, was attributed to Russian influence; and when it is considered, that the Agents of the Hudson's Bay Company had traded amicably with the Indians on the River Stikine, so recently as the year 1833, as stated in Mr. Duncan's deposition, it is not unreasonable to assume, with the Hudson's Bay Company that the unexpected hostility to the British Expedition, manifested by the Indians in the succeeding year, was instigated by Foreign influence and fostered by the representation of a rival association.

The Undersigned is instructed to state, that Her Majesty's Government upon a full review of all the circumstances of this case, must still maintain that the failure of the Expedition in question, was occasioned by the conduct of the Russian Authorities, and must persist in urging the Cabinet of St. Petersburg to make to the Parties that compensation for their losses which is justly due.

Before concluding this note, the Undersigned will briefly advert to the complaint made by Count Nesselrode, that the Traders of the Hudson's Bay Company supplied the Indians on the River Stikine with Gunpowder, in the year 1833. The Hudson's Bay Company entirely deny that their agents anticipated the probability of the Gunpowder in question being employed by the Indians for purposes of hostility against the Russian settlement. The uses to which the Indians usually put the Gunpowder supplied to them are the procuring of Peltries and food; and the agents of the Hudson's Bay Company could have no reason to doubt, that the small quantity of Gunpowder which they supplied to the Indians on the Stikine, would be employed by them in the same manner as that which they are in the constant habit of furnishing to the Indians on the *British Territory*, without any prejudice to the Establishments of the Hudson's Bay Company.

The Undersigned is, however, instructed to state to Count Nesselrode that strict orders will be given to prevent for the future any such sale of Gunpowder by British Traders on the coast of the Russian Territory.

The Undersigned avails himself of this opportunity to renew to His Excellency the assurance of his distinguished consideration.

[SEAL] (Signed) J. B. MILBANKE.

Count Nesselrode to Mr. Milbanke, April 28, 1838

[Translation.]

The undersigned has deemed it his duty to submit to Lord Durham, in the notes he has had the honor to address to His Excellency on

December 1835 and March 10, 1837, the reasons which prevented the Imperial Government to consider as just, the claims lately presented by the Hudson Bay Company against the Russian-American Company. Not only were these reasons deduced in a great measure from the very documents the claimants themselves had presented in their case, but they seemed to be all the more deserving of consideration as the Imperial Government had, at the same time, hastened to disavow the interpretation that the authorities of the Russian settlements on the North-Western Coast had given to one of the articles of the Convention of 1825, in order to prevent the *Dryad* from ascending the Stakhine. As the Imperial Ministry had been so frank in its explanations in the matter, it experienced all the more regret on reading the subsequent communications of the British Embassy on the same subject and namely, the note that Mr. Milbanke, Minister Plenipotentiary of His Britannic Majesty did him the honor to address to him on July 1/13 last.

In answer to it, whilst referring to the arguments developed in his previous notes, the undersigned deems it his duty to add the following explanations, that have been suggested to him, on one side, by a new and scrupulous revision of the affair in question, and on the other, by additional light furnished by the Russian-American Company in regard to the circumstances connected with the claim of the English Hudson Bay Company.

The claim for indemnity presented by this Company, is based on the fact that the declaration of the Russian authorities that they could not let the English vessel enter the Stakhine, was accompanied by threats and demonstrations such as to make Mr. Ogden foresee an evident danger if he pursued his intended course. This fact would no doubt be decisive, if it could be proved in an unquestionable manner. Not only has it not been proven, but it has been met by a most formal denial on the part of the authorities to whom these threats are attributed. On examining with impartiality the proofs furnished by both sides, it is found, in fact, that some parleying did take place between the Russian authorities and the persons composing the English expedition; that interpreters, foreign to both nations, and consequently, whose faithfulness is in no way guaranteed, have been employed in this case; that being unable even by this means to come to an understanding, recourse was had to pantomime, in short that it is on such facts that the event is demonstrated, that the Russian authorities had threatened the English vessel with repelling by force of arms its attempt to enter the Stakhine. On the other hand, there exist declarations that the Russian officers have addressed *in writing* to Mr. Ogden, which not only do not contain any threats, but explicitly disavow the intention of using violent measures. In this respect, the undersigned relies on the communications made to Mr. Ogden by Lieutenant Sarembo on the 10th and 18th of June 1834, by Captain Lieutenant Etolin, on the 14/26 of June, and finally by Captain Baron Wrangel, on the 19th of September of the same year. Is it possible to hesitate as to what must be considered as true or erroneous, between testimony so contrary and so different in kind? And even were the allegations on both sides supported by proofs of equal value, the Minister of His Britannic Majesty could certainly not expect that the Imperial Government should take no account of the reports of its own authorities, and have faith in the assertions of alien subjects, more or less interested in the case.

Mr. Milbanke has argued, among other points, that a prohibition notified by an officer commanding a war vessel to the captain and crew of a mercantile vessel, must be considered as equivalent to a threat, for in case of need, that prohibition could be supported by force; that, consequently, if the Hudson Bay Company did not wish to risk submitting its expedition to the probable consequences of its refusal to conform to a notification made in such a manner, it is not liable to reproach for an excess of prudence not sufficiently justified by the nature of the case. In answer to this argument, the undersigned will limit himself to reminding Mr. Milbanke, that according to maritime usages, a notification or a summons made by a war vessel, only takes the character of a threat when it is accompanied by a cannon shot fired in the air; that such a demonstration, which is generally intelligible, did not take place in regard to the *Dryad* and that therefore Mr. Ogden could always be accused of excess of prudence for having left the borders of the Stakhine before being certain how far the opposition of the Russian authorities might go. Besides, even if the general rule pleaded by Mr. Milbanke were exact, the implication which he has deduced therefrom, seems all the less applicable to the case as Art. XI of the Convention forbids all act or measure of violence; as under the guarantee of this stipulation, the English expedition had no danger to fear from the Russian authorities, who, in their parleying with Mr. Ogden had expressly declared their willingness to conform to the rulings of the said Art. XI.

But there is more. The Russian vessel, the *Tschitschagoff*, which was stationed at the mouth of the Stakhine, at the time the *Dryad* appeared, is not a war vessel, but a merchant brig, belonging to the Russian American Company, so that the argument based on the presumed presence of a war vessel in those parts, falls by itself. The *Tschischagoff* is besides of a smaller size than the *Dryad*, her crew not much more numerous than that of the English vessel; it is true that she was armed with cannons, but so also was the *Dryad*. The two vessels being of about the same strength, it would not be exact to say that Mr. Ogden could not have pursued his course, without exposing himself and his companions to an evident danger from the Russian seamen. It is allowable, on the contrary, to infer more and more certainly, that his retreat was determined by considerations of quite another nature and by motives much more real than those he has chosen to plead.

What, in fact, appears to have principally led Mr. Ogden to give up his enterprise is, as the undersigned has stated in his note of March 10, the certainty that the natives would not allow the settlement intended by the company. Indeed, however incidental, however casual may have been the remarks of Messrs. Duncan and Kipling, who were the first to mention the dangers the English expedition had to fear from the natives, it is nevertheless a fact, that can be considered as proved, viz: that it is that fear and not the declarations of the Russian authorities that determined Mr. Ogden and his companions to withdraw. In this respect, the undersigned sees himself, with regret, obliged to enter into an explanation he would have wished to avoid. It has been stated in the depositions of Messrs. Kipling and Duncan, that independently of the threats attributed to the Russian authorities, the hostile disposition of the Indians, who were under the influence of the Russians, had also been taken under consideration, on board of the *Dryad*. In mentioning this fact, in his note of March 10, the Impe-

rial Minister was far from supposing that the expression "under the influence of the Russians," which seemed to have been used to designate the Indians settled in the territory belonging to Russia, conveyed the idea that it was the Russian authorities that had inspired hostile feelings against the English and had excited them to the atrocious acts with which they threatened the expedition. If such was the meaning to be attributed to the words above quoted, they would imply, avowedly, a grave charge against the Russian authorities, a charge which Messrs. Duncan and Kipling themselves have, doubtless, not even fathomed the importance, as it tends to nothing less than tarnishing the honorable character of the officers commanding in those parts, and to throw a false light on the commercial operations of the Russian-American Company, as well as on the legitimate and beneficent influence that its agents can exercise in those regions.

In order to fix the serious attention of the Imperial Government, such an accusation would have to be backed by some proof, or have at least the merit of probability. Not only no fact has been brought forth in support of such assertions, but all the circumstances concur on the contrary, to prove its falseness. First of all, Mr. Milbank must notice that, if in 1833, the agents of the Hudson Bay Company met with friendly dispositions on the part of the chief of one of the Indian tribes, it cannot be inferred that other Indians in the same region have viewed the project of the Company settling there with a favorable eye and is it not allowable to believe that they may have resolved to oppose it, without its being necessary for the Russian authorities to excite them to resistance?

Never, besides, have the Russians settled on the North-West coast allowed themselves to intrigue in that manner. It would be contrary to their own interests as well as against the very principle of their colonization. The Russian colonists do not distribute arms, ammunition or spirituous liquors to the natives, the trade of which is prohibited by Article IX of the Convention of 1825 *irrespective of territory;* still less would they consider themselves authorized to foment animosity among those tribes against any foreign nation. On the contrary, having formed on the north-west coast, durable settlements, the Russian-American Company is interested above all in inspiring pacific dispositions in the tribes, with which it has transactions and to excite among them habits of order and sociability, and consequently to avoid carefully all that might be contrary to such a system, and nothing contrary, undoubtedly, than excitations of the kind that Mr. Milbanke's note imputes to the agents of the Company.

The irritation of the natives against the projected settlement, can be explained, however, without its being necessary to attribute it to a foreign influence, by the very nature of their commercial operations and their interest in not having them disturbed. The Indians living in the interior of the Continent are principally occupied with beaver-hunting. They are accustomed to sell the product of that hunt to the tribes settled along the coast, who, in their turn make it the object of a more or less advantageous trade, either with the European settlements which exist on that coast, or with the vessels that visit it. This practice having continued to the present time, the natives must have become alarmed at the sight of a vessel bringing a numerous procession of enterprising "travellers" from Canada, and coming with the avowed intention of forming a settlement in the interior for the pur-

pose of beaver hunting as well as trading in skins. Neither the natives of the interior nor those of the coast could see this new settlement, without great apprehension, the first because it threatened to exclude them from a hunt they had been the only ones to follow up to the present time, the others, because they could not compete with the newcomers in their trading with the natives of the interior, and both, finally, because it affected their only means of subsistence.

During a stay of eleven days at the mouth of the Stakhine, Mr. Ogden must have had the time to find out the real state of affairs in this respect; he must have understood, though too late, how deceptive had been the friendly demonstrations showered on him during his first visit in those parts. Seeing the natives ready to unite in order to prevent the execution of his project by means of violence, he deemed it more prudent to give it up, and more expedient to attribute the cause of his disappointment to the Russian authorities.

These explanations will suffice to prove to the Minister Plenipotentiary of His Britannic Majesty that if the Imperial Government can not recognize the claims presented by the Hudson Bay Company as founded on right, it could still less admit the new allegations, by means of which the claimants have tried to support their demands.

But there is one circumstance on which the undersigned deems it his duty on this occasion, to call the attention of Mr. Milbanke. Since the period where foreign vessels, taking advantage of the right accorded to them by the conventions of 1824 and 1825, came to trade with the natives of the north-west coast, their operations have not always been confined within the limits assigned by these same conventions. With most of them, the things for exchange employed by them, were precisely those that Art. IX of the Convention with England had formally excluded from this trade. The English vessels did not remain strangers to this abuse. The depositions of Mr. Duncan, which are among the documents furnished by the Embassy of His Britannic Majesty, already prove that the sale of gun-powder was nothing unusual with English speculators in their exchanges with the natives. Other agents of the Hudson Bay Company, have not hesitated in acknowledging with the same frankness to the officers of the Russian settlements, that the sale of rum was for foreigners coming to this coast, the only branch of trade really advantageous and that, consequently, the English, were unable to refuse it. Therefore, in manifest violation of Article IX of the Convention, spirituous liquors, as well as gun-powder and fire-arms, have never ceased to figure among the articles of exchange given with profusion to the natives. This fact is notorious on the north west coast, and the correspondence of the Hudson Bay Company can, without doubt, if necessary, furnish more detailed proofs. In the mean time the prejudice to the Russian-American Company which resulted from it, is incalculable. Its regular trade suffered from a contraband against which no repressive measure was possible. On the other hand, the facility with which the natives found the way to get, through these aliens, powder and rum, which was refused them by the Russian settlements, estranged from them tribes with whom they had connection.

Up to the present time, the Imperial Government has abstained, in regard to the friendly relations that so happily subsist between the two countries, to formally notice the fraudulent practice that may have escaped the supervision of the Britannic Government. There-

fore the undersigned believes it his duty, for the present, to specially bring it to the attention of the Minister Plenipotentiary of England. However, if the British Government deemed it pertinent to subsequently support the claims in regard to the affair of the Stakhine, claims as groundless in their origin as they are exaggerated in their object, it must not be surprised that, on its side, the Imperial Government should no longer refuse its protection to the claims of the Russian-American Company, concerning the violation of article IX of the Convention of 1825 and that it reserves to itself the right to produce the claims of the said Company for a just reparation of the damages suffered by it as a result.

The undersigned avails himself of the occasion to renew, &c.

COUNT DE NESSELRODE.

The Governor of the Russian Colonies in America to the Commander of the Brig Chichagoff, Lieut. Zarembo, March 23, 1838 (No. 66).

[Translation.]

In the brig entrusted to you, you will sail this summer to the Kolosh Straits situated within our frontiers. The supplies for the Dionysius redoubt sent from this port must be delivered in the shortest time possible. This is why you should take your course direct from here to the straits; for your successful navigation through the narrows situated in this vicinity you will receive assistance from this port, which you will send back as soon as you will cease to need it.

On your arrival at Stakine, or soon after, you will probably see an English vessel destined for the river Stakine which they have a right to navigate. You will have only to present to her commander my statement with regard to this matter in English and French (and in Russian translation for your knowledge). Leave one of these papers in the redoubt for the purpose of presenting it to the English, while all the papers in foreign languages which exist there at present, I beg you to take and to forward to me. I beg of you to comply most accurately with the instructions given you with regard to prudence and courtesy towards the British, and see that the same is observed not only by your subordinates but by the manager of the redoubt and his command; in case, however, of any illicit acts of the English, endeavor to explain this to them, and, without using any arbitrary measures (on account of the mutual agreement of our Government and theirs in article XI of the convention) inform me of the fact immediately, notifying them of the same.

Your assistant, Mr. Lindenberg, has been appointed to this post in preference to others on account of his knowledge of the English language, consequently there can be no misunderstandings with regard to this. What I said last year in my instruction to you with regard to Mr. Lindenberg's establishment on the steamer during the navigation of the English up the river Stakine may be executed likewise at present, but only in case it can be done with delicacy and with their consent, as if done in consequence of Mr. Finlayson's invitation extended to me during his stay here.

The purpose of the navigation in the straits of the brig entrusted to you and her stay at the redoubt is the same as that of last year; therefore I will mention here: That in addition to your visit to Kaigan, Tongas and other harbors, where you may expect the putting in of

foreign merchant men, manage so that you may be able this summer to visit Chilkat and Taku for trading purposes with the inhabitants and for the survey and sounding in the proper manner of the mouths of these rivers (similar to the survey of the river Stackin made last year), so that it may be possible to judge of the possibility of navigating them, and also to examine in detail localities worthy of notice for the advantages of the Company and the navigation of its vessels. I beg of you not to lose sight of all this and reconnoiter with strictest accuracy all these localities as well as all the straits visited by you, while trading with the Kolosh, for the benefit of the Company for which purpose you are furnished with as much merchandise as could be given you according to your request.

I do not deem it superfluous to add that, according to information received by me, the Kolosh of the Kukhantan tribe from Chilkat intend to come to Stakine this summer for the purpose of avenging the murder of their tribesmen. Should this be true I beg of you to take all possible measures for the reconciliation of the warring parties; in addition to your mediation with regard to establishment of peace I recommend that you should see that none of the Russians should in any way whatever take part in or meddle with the affairs of the Kolosh under strictest responsibility.

In case you should meet in our straits a United States vessel, I enclose herewith for presentation to the captain my statement in English and in French (and Russian translation) and three lists of questions.

I recommend you to be very economical with the powder on account of our present lack of it, by not using it for any unnecessary expenditure, as for holidays or salutes which may be avoided.

I enclose herewith the passport and roll of the complement of the brig *Chichagoff*.

Report of the Governor of the Russian colonies in America to the board of directors, May 1, 1838 (No. 192).

[Translation.]

Last year, when sending the brig *Chichagoff* to the Straits I instructed her commander, Lieut. Zarembo to detail his assistant, pilot Lindenberg, to make a detailed survey and soundings of the river Stakine from its mouth to the end of our possessions in the interior of the continent, which was executed by him with accuracy.

Moreover, Lindenberg made a similar survey of our newly discovered strait, named in honor of my predecessor, Strait Wrangell. I have the honor of forwarding to the Board of Directors the maps and journals of these two surveys, to be sent, according to existing regulations to the Bureau of the Hydrographer General, with the herewith enclosed map of all the Kolosh Straits situated within the Russian frontiers, made by pilot Lindenberg.

I do not deem it superfluous to inform the Board of Directors that Lieutenants Illiashevich and Mashin have made, during their leisure time, an accurate plan of the port of Novo Archangelsk. Supposing that there is none as yet in the office of the Board of Directors, I am herewith forwarding it likewise.

Mr. Milbanke to Count Nesselrode, October 6, 1838.

The Undersigned, Her Britannic Majesty's Minister Plenipotentiary, has not failed to lay before his Government the note which he had the honor to receive from His Excellency the Vice-Chancellor, Count Nesselrode, under date of the 28 April / 10 May, 1838, upon the subject of the claims of the Hudson's Bay Co. to be indemnified for losses sustained by them, in consequence of the Russian authorities on the North West coast of America having stopped or turned away, an expedition fitted out by the Co. for the purpose of forming a settlement on the river Stikine, within the limits of the British Territory and the Undersigned has been ordered by his Government to make to Count Nesselrode the following observation in reply.

Count Nesselrode endeavours in his note to show: First, that no menace was used by the Russian authorities which could be sufficient to justify the agents of the Hudson's Bay Co. in abandoning the expedition; secondly, that a reasonable ground existed for the hostility displayed by the natives against the prosecution of the expedition, without imputing that hostility to Russian intrigues, the existence of which Count Nesselrode denies, and thirdly, that the discovery which the agents of the Co. made respecting the feelings of the natives, was the real cause which led those agents to desist from their attempt to prosecute the expedition. Count Nesselrode, moreover, intimates, that if the Hudson's Bay Co. continues to press their claim, the Russian Government will bring forward against the agents of that Co. an accusation of violating by their dealings with the natives, the 9th article of the convention of 1825, which excludes certain commodities from becoming objects of traffic in that quarter.

Now, to dispose in the first place of the latter of these points, the Undersigned is instructed to observe, that it is of little moment as bearing upon the justice of the British claim, to inquire, whether there really was any hostile feeling on the part of the natives with respect to the expedition; and whether such hostility, if it existed, was spontaneous, or was excited by the intrigues of the Russian Co.; and the Undersigned is likewise instructed to remark, that even if it were proved, that the agents of the H.'s B. Co. had been engaged in a prohibited traffic, that fact could have no bearing upon the present claim. But the Undersigned begs to remind Count Nesselrode of His Excellency's admission recorded in Lord Durham's note to H. Ex'y. of the 24th of March 1837, that the Russian Government had no cause to complain of the conduct of the British Co. in that respect; and it may well be doubted whether the British Co. could not make out, that the Russian Co. have engaged in the same prohibited traffic, to an equal, if not to a greater extent than it is even alleged, that the British Co has done. Upon this point, the Undersigned is further instructed to say, that the menace of bringing forward this accusation, in order to deter the Co. from prosecuting their claim, may not unreasonably be taken as an indication of a consciousness on the part of the Russian Govt, that if the claim is to be argued on its own intrinsic merits alone, the right of the Co. to the compensation which they ask for, would be indisputably established.

The Undersigned passes over with these observations the latter point of Count Nesselrode's note, but guards himself against the supposition that the British Government acquiesces either in the correctness

of the allegations made respecting those points, or in the conclusions drawn from those allegations; and he is directed to confine his further observations to the real question at issue, namely whether the expedition of the Co. to the Stikine River was put an end to by the interference of the Russian authorities.

The Undersigned has in the first place to state, that after the admission in Count Nesselrode's confidential note to Lord Durham of the 22 March 1837, that the Russian authorities did refuse to allow the expedition to proceed and that although circumstances might explain that refusal, yet those circumstances did not justify it; the British Government have been somewhat surprised to see, that Count Nesselrode's note of the 29 April/10 May, expresses a doubt whether that refusal was made at all. Count Nesselrode truly says, that the whole case hinges upon that circumstance, and as His Excellency had admitted the fact, there would scarcely seem to be any ground for further discussion.

Count Nesselrode professes, however, to examine impartially the proofs adduced on both sides, and rejecting as uncertain what is stated to have passed in verbal communications between the agents of the Co. and the Russian authorities, he rests the case of the Russian Government upon the written notifications made by those authorities; namely, by Lieutenant Sarembo, on the 10th and 18th of June 1834; by Captain Etolin on the 14/26 of June 1834 and by Baron Wrangel on the 19th of September 1834; which notifications Count Nesselrode maintains convey no intimation, that force would be employed to prevent the progress of the expedition.

But though Count Nesselrode's own admission as to the refusal made by the Russian authorities, is of itself sufficient to make out the British case, yet the British Government must contend, in reply to Count Nesselrode's last observations, that the language of the written notifications of the Russian authorities just referred to, was quite sufficient under all the circumstances of the case, to prevent the agents of the British Co. from proceeding with the expedition.

The words of Lieutenant Sarembo on the 10th of June were: "*I neither allow to enter the* river Stikine, in consequence of the Instructions received from the Chief Director Baron Wrangel." The words of the same officer and of the commander of the redoubt "Serge Moskoviteen" on the 10th of June were: "*It is prohibited* to the Commander of the said vessel to enter the river Stikine."

The words of Captain Estolin of the 14/26 of June were: "aucune permission ne peut résulter à cet égard," that is to pass up and down the Stikine, without reference to Baron Wrangel.

The words of Baron Wrangel on the 19th of September were: "j'ai donné ordre au Commandant de notre port à Stikine, par suite des prières des indigenes habitants dans nos frontières sur la rivière Stikine, de ne point y laisser pénétrer les étrangers, c. à. d. *de no point leur permettre l'entrée dans cette rivière;*" adding indeed, "agissant dans le sens du 11me. art. de la convention." Count Nesselrode appears to lay some stress upon this reference to the 11th art. of the convention, though a due regard to that article would have prevented the Russian authorities from offering any obstruction to the British expedition.

If indeed the instructions given by Baron Wrangel to his inferior officer, had been merely to protest against the entrance of the expedi-

tion in the Stikine river, the article of the convention would very naturally have been referred to; since the object of the article is to provide for the settlement of any points of difference, by discussion between the Governments instead of by the employment of force by the disputants on the spot and a Protest would be a natural foundation for such a discussion.

But the instruction was to *prevent* the entrance of the British expedition and prevention can only be effected by violence either done or threatened by parties on the spot; and it was impossible for the agents of the British Co. to draw any other conclusion from these reiterated declarations of a determination to prevent the expedition from proceeding than that force would be used if those declarations were not deferred to.

The Undersigned is not instructed to argue the question as to the manner in which a notification must be given by a ship of war, in order to possess the character of a menace, because the British Government cannot suppose, that the observation upon that point in Count Nesselrode's note is intended to be seriously insisted upon; with respect to the distinction drawn by Count Nesselrode between an armed vessel of the Imperial Navy and an armed vessel of the Russian Co., the Undersigned is only instructed to observe, that for the acts of that Co. the Russian Government must of course be responsible, unless the Russian Government is prepared to abandon the Russian Co. to such measures as the British Government may think fit to adopt against it, in order to obtain from the Co. itself the required redress. Neither is the Undersigned instructed to enter into a critical comparison of the relative forces of the vessel belonging to the H.'s B. Co. and of the armed Russian vessel, because that point is perfectly immaterial, unless the cabinet of St. Petersburg means to contend, that the matter in dispute would have been more conveniently settled on the spot by a conflict between the respective parties, notwithstanding that the convention of 1825 is specifically intended to prevent such local collisions. If such indeed be the view of the Russian Government of the course which would be the most conducive to the maintenance of the friendly relations between the two Countries, the British Fur Co. and Her M.'s Government would be at no loss to provide effectual means for preventing for the future, any similar interruption to the legitimate commerce of Her Majesty's subjects.

But the British Government consider that the agents of the Hudson's Bay Co. most properly abstained from resorting to an experiment which would have been no less contrary to the treaty of 1825, than it would have been at variance with the object for which the expedition was undertaken. That object was the prosecution of a legitimate and peaceful commerce; and persons engaged in such an enterprise may justly be held excused, if they are reluctant to hazard their own lives and that of others, in a hostile collision, when they have just reason to expect, that for the wrong done them, they will obtain redress at the hands of the Sovereign whose subjects have disregarded the engagements, which that Sovereign has solemnly entered into with a friendly state.

In conclusion, the Undersigned is intrusted to say, that the British Government cannot abandon the claim of the H.'s B. Co. for indemnification for its losses; and the undersigned has only further to express the confident hope of the British Govt., that the cabinet of St. Peters-

burg will no longer delay affording to that Co. the redress to which it is clearly and indisputably entitled.

The Undersigned avails himself of this opportunity to renew etc.

MILBANKE.

ST. PETERSBURG, *October 6th 1838.*

Count Nesselrode to Count Kankreen.

[Translation.]

ST. PETERSBURG, *December 9, 1838.*

EXCELLENCY: With the report of May 4th last I had the honor of forwarding to Your Excellency a copy of my note to the English Ambassador, in regard to the indemnification claimed by the Hudson's Bay Company for the losses accruing to that Company on account of the refusal to admit its ship into the Stakine river.

The arguments tending to put the matter in as favorable a light as possible for the Russian-American Company which were taken from Your report of April 14 (No. 1293), have not altered the conviction of the English Government, as to the justice of the Hudson's Bay Company's claim, as Your Excellency will perceive from the note of Mr. Milbanke, ex-Minister Plenipotentiary of Great Britain. That Government, on the contrary still claims, with an insistence greater than before, indemnification for the losses suffered by the afore-mentioned Company through the refusal by our Colonial authorities to permit the Dryad to enter the estuary of the Stakine.

As long as the British Government confined its argument to the circumstances attendant upon the action of our Colonial authorities in preventing Mr. Ogden from sailing up the Stakine river and, as long as its complaints were about the treaty made by us and about the agitation of the natives against the English traders, so long it was possible for us to deny their accusations for want of proof. At present the English Government perceives that all these circumstances, which have been the subject of a fruitless correspondence for more than three years, refer only indirectly to the root of the matter and do not effect the main point of their claim. This is in reality the fact, that our Colonial authorities,—contrary to the treaty,—issued the order prohibiting Mr. Ogden from sailing up the Stakine river to the English dominions, where he wished to establish a trading post, this being entirely within his rights. We cannot deny this fact and the English Government finds it at present superfluous to enter into details about the circumstances which accompanied it, because apart from them, as Mr. Milbanke observes, the prohibition of Mr. Ogden to sail further up the Stakine is an evident infringement of the plain stipulations of the Convention concluded between Russia and England, in consequence of which the British Government claims an indemnity for the losses suffered by the Hudson's Bay Company.

Moreover, personal interviews with Lord Clanricard have convinced me, that the British Government will never withdraw its demand for this indemnity and that the English Ministry would like even before the opening of the Parliament to obtain some satisfactory answer from us, in order to be able to answer any questions of the opposition in regard to the Stakine affair.

In bringing this to Your Excellency's notice, I consider it my duty to refer to my report of March 19th on which I had the honor of informing you, that His Imperial Majesty, after having duly considered the matter was pleased to admit that it would be more in accord with the rules of strict justice to admit the principles on which the claim is based and to enter into negotiations with the Hudson's Bay Company in regard to the amount of the indemnification claimed by the Company, rather than to continue a dispute, which we shall be obliged ultimately to give in to because the clear provisions of the treaty are not calculated to strengthen the side we have defended until now.

If in accordance with His Majesty's desire we have made the English Government any further secondary objections as for instance the pretended threats of Ogden to continue his voyage notwithstanding the expressed prohibition, etc.—these objections have only caused the English Government to put aside the examination of such secondary questions and to base their claims on the one and universally acknowledged fact of the prohibition itself which was made by the Russian-American Company to Mr. Ogden, contrary to the terms of the Treaty.

As the matter now stands, we are not likely to have any more plausible pretexts for further evading the claim for indemnity. Moreover, in view of the unusual urgency with which the English Government demands a prompt settlement of the affair, I take it upon myself to ask Your Excellency to consider whether it might not be advisable for the Russian-American Company to enter into friendly negotiations with the Hudson's Bay Company, looking towards such a settlement.

May I ask your Excellency to kindly inform me of Your opinion in regard to the matter, in order that I may report it to His Imperial Majesty and draw up the project of a note in reply to that of the English Ambassador.

I am, Sir, etc., COUNT NESSELRODE.

Report of the Governor to the General Board of the Russian American Company, May 1, 1838 (No. 228).

[Translation.]

With my permission there has lately been brought on the Brig *Action* from Stichine a Kolosh boy, four years of age, who was designated by the Koloshes for assassination at the funeral services which were to be held last January. The Stichine Chief Kuatkhe, however, yielding to our advice and Christian desire to prevent as far as possible murder which is usually committed by the Koloshes at funeral services in honor of their deceased relatives, and acting upon my repeated admonitions to the Koloshes whenever they met at my house that instead of assassinating their slaves they should trade them off and make some other sacrifice of the merchandise they received in exchange, he the said Chief Kuatkhe, remembering our said advice, showed himself the first example, as yet unheard of even among the Sitka Koloshes, and in lieu of assassinating his slaves released them, among them the above-mentioned boy, and made also other sacrifices in lieu of this bloody custom, whereby he has clearly demonstrated his friendship and respect for the Russians. For such an act, heretofore unexampled among the Koloshes, I could grant to Chief Kuatkhe

no other distinction except issuing to him a certificate (see protocol of February 6, of the current year, No. 18) as a token of my gratitude, for he had previously been granted, in recognition of his devotion to the Russians, the silver badge "Allies of Russia". In my opinion his last act deserves some exceptional mark of distinction, and I request the general board to obtain the same for him from the Government, and also to provide for similar distinctions to be granted to all like him who will act in the same manner, whereby this barbarity may be forever abolished among them and good results be accomplished.

The infant Kolosh released by Chief Kuatkhe has been baptized here according to the Greek-Russian rite and given the name Michael. I have instructed the New Archangel office to place him as a pupil at the boarding school located here, to be fed, clothed and taken care of by the Company. Perhaps in time this boy may serve as an important connecting link between us and the Koloshes for the gradual introduction of mild Christian habits among this barbarous people.

Journal of correspondence, 1839, No. 3. Kept during the voyage in the Straits and the tour of inspection to Redoubt St. Dionysius, from June 6, 1839 to June 23, 1839.

[Translation.]

Under date of June 21, 1839: The Russian American Company under His Imperial Majesty's most gracious protection Chief Governor of the Russian Colonies in America, Captain of the Naval Guards and Knight, Ivan Antonovich Kupreyanoff,

Certificate.

These presents are issued to Chief Tanakhk of the Stachine Kolosh with the silver badge "Russia's Allies" granted by me to him in the expectation that the said Chief Tanakhk will hereafter prove himself as worthy of such attention and distinction shown by me to him as he has heretofore done, by his attachment to and friendly disposition towards the Russians.

In testimony whereof these presents are issued to him over my signature and with my seal affixed hereto.

Redoubt St. Dionysius, June 21, 1839.

IVAN ANTONOVICH KUPREYANOF
Chief Governor of the Russian Colonies in America, Captain of My Most Gracious Lord His Imperial Majesty's Naval Guards, and Knight.

Report of the Board of Directors of the Russian American Company, December 20, 1839. (No. 1596.)

[Translation.]

To His Excellency General of Infantry, Member of the Council of State, Senator, Minister of Finance and Knight, Count EGOR FRANTZEVIOCH KANKREEN.

In accordance with Your Excellency's order of the 15th instant, No. 5283, following the Vice-Chancellor's report with regard to the note

of Mr. Milbank, the English Ambassador, concerning the claim of indemnity by the Hudson's Bay Company for the non-admission of its ship into the Stakine river, the Russian-American Company takes the liberty of presenting its opinion, based upon the contents of Mr. Milbank's last note, dated October 4th [6th] last. Without entering into particulars concerning the details which gave rise to the claim of the Hudson's Bay Company and led to a long correspondence, the Board refers to the essence of the claim which consists in the refusal to permit the English ship to enter the Stakine river.

The Commanders of the ship and of the fort belonging to the Russian-American Company were ordered by the Colonial Authorities not to permit a foreign ship to sail into the estuary strictly observing however Article XI of the Treaty, that is to say, to prohibit any ship from entering without using any forcible measures against such ship. Consequently it is clear, that the prohibition and the act of the non-admission of the ship into the river, had to be restricted to a written protest only, as any other measure would have been a breach of Article XI which Baron Wrangell had assured Mr. Ogden would be strictly fulfilled and which he had ordered the Commander of the Ship, Zarembo, and of the redoubt, Moskovitinov, to fully carry out. The Board of Directors admits neither the right nor the occasion to doubt the fulfilment of the above-mentioned order of the Colonial Authorities in regard of observing Art. XI and the facts of Mr. Ogden's having such a doubt ought not and cannot serve as a proof of the claim of the Hudson's Bay Company, because it is antagonistic to the precise and only meaning to be put on the answer given to Mr. Ogden by the Superintendent of our Colonies. If Mr. Ogden was led into such a groundless fear through his ignorance of the language and the vagueness of the negotiations when he met the Russian ship in the estuary of the Stakine, it ought to have been dispelled when Baron Wrangell declared to him by letter that Article XI would not be violated.

Our Colonial Authorities supposed they had well-grounded reasons for not allowing the ship to enter into the Stakine,—causes which Baron Wrangell pointed out in his declaration to Mr. Ogden, dated September 19th. These could have been disregarded by Mr. Ogden and he could have acted according to his own opinion as to what was his right, being certain that Article XI would not be transgressed.

Although the misapprehension of Baron Wrangell concerning the extent of the right granted to the English for free navigation, is not acknowledged by our Government to be justified, this misapprehension and the subsequent written prohibition, unaccompanied by the least shadow of violence towards the English, would not have caused them any other loss than perhaps that which might arise through the loss of Mr. Ogden's time, which would have passed in awaiting Baron Wrangell's clear and precise answer, dated September 19th and related to the consequences Mr. Ogden might have expected if he had entered the Stakine by order of his superiors. In this case no violence would be used against him.

In proof of the Russian-American Company's sincere wish to extinguish the claim of the Hudson's Bay Company, the Board of Directors is ready to enter into a friendly agreement on the afore-mentioned basis, namely: it is ready to make up for the losses suffered by the Company through keeping the crew of the brig *Dryad*, from the date of the brig's entering the estuary of the Stakine until September 19th, when Mr. Ogden received an explanation from the General Manager

of the Colonies, signed by him and assuring the English chief, that the prohibition being merely a written protest, he might act according to his own judgement without hinderance or fear of force. It would be a great injustice to claim that the Russian-American Company should indemnify the Hudson's Bay Company for any losses suffered by Mr. Ogden because he did not enjoy the rights that were assured to him after he had been promised that the XI Article of the Treaty would be strictly observed.[a]

The Board of Directors of the Russian-American Company, taking the liberty of presenting its opinion, leaves the matter to the decision of Your Excellency and begs you, Sir, to protect the Russian-American Company from such unjust as well as burdensome claims.

We have the honor of returning herewith the note of the English Ambassador to the Hudson's Bay Company.

The Board of Directors of the Russian-American Company considers it its duty to further report as follows:

Wishing to renew our friendly relations with the Hudson's Bay Company and come to an agreement in regard to our respective interests and avoid unpleasant collisions in the future, Rear-Admiral Baron Wrangell, a Member of the Board of Directors entered into correspondence with the Directors of the Hudson's Bay Company. This correspondence is, as yet quite unofficial and is principally for the purpose of preparing and facilitating the official negotiations through preliminary personal explanations. From this correspondence it is evident that the Hudson's Bay Company would consent to lease a part of our dominions, adjacent to their frontiers north and south from the Stakine river for a yearly rental to be paid in a fixed quantity of furs and for a definite term, say 20 years.

The Board of Directors thinks that, in order to avoid misunderstandings, it would be useful to grant to the Hudson's Bay Company the exclusive right of trading on the coast of the continent between latitude 54° 40′ and the estuary of the Cross Strait, for a yearly payment in furs, in such quantity as to assure the Russian-American Company against any loss from the arrangement. The Hudson's Bay Company would have the advantage of ridding itself of a dangerous rival in its fur trade with the natives. Moreover the Hudson's Bay Company proposes to supply the Colonies at moderate rates with a full yearly supply of goods and provisions. In order to settle this question it is the intention of the Hudson's Bay Company to send a member of the Company to Berlin or Hamburg, in the middle of January, to there meet a delegate of the Russian-American Company and definitely sign the treaty.

The Board of Directors thinks that in this manner the question in dispute would be satisfactorily solved for both parties. But supposing that they have no right to enter into official negotiations and to conclude a treaty without a special permission, the Board of Directors begs that this permission may be granted if it be found convenient to do so.

IVAN PROKOFIEF.
NIKOLAY KUSOF.
ANDREW SEVERIN.
Directors.

[a] The present claim of the Hudson's Bay Company would be justified only if the English expedition had suffered through violence or if it had been declared that forcible measures would be used against it.

Count Nesselrode to Count Kankreen, January 4, 1839.

[Translation.]

SIR: Your Excellency was pleased to inform me on December 30, No. 5823, of the readiness of the Board of Directors of the Russian-American Company to enter into a friendly agreement with the Hudson's Bay Company, in regard to the indemnity claimed by the latter for refusing admission of a ship belonging to her into the Stakine River.

Moreover Your Excellency asked my opinion in regard to the proposal of the Board to lease to the Hudson's Bay Company for a fixed term that part of our dominions, adjacent to the English frontiers north and south of the Stakine river.

To this I have the honor to reply, that from a political point of view the wish to establish friendly relations with the Hudson's Bay Company through the lease of the above-mentioned territory, is in my opinion, worthy of the fullest consideration. In attaining this end we should gain the advantage of doing away with all rivalry in the fur trade and of putting an end to the frequent occasions of friction with the English and with the citizens of the United States of America which have already often led to unpleasant correspondence with those Governments.

This agreement would be especially desirable because it would enable us to avoid all further explanations with the Government of the United States as to its ceaseless demands, disadvantageous to our interests, for the renewal of Article IV of the Treaty of 1824, which granted to American ships the right of free navigation for ten years in all the seas and straits, adjacent to our dominions on the northwestern coast of America.

Seeing that this affair in itself, as well as on account of the particular circumstances connected with it admits no delay, I hasted to inform Your Excellency of my opinion in regard to it, in order that Your Excellency may issue the orders necessary to carry it into effect.

I am, Sir, etc.,

(Signed) COUNT NESSELRODE.

ST. PETERSBURG, *January 4, 1839.*

Report of Governor of Russian Colonies in America to the Board of Directors of the Russian American Company, April 20, 1839 (No. 139).

[Translation.]

During last year's stay of the brig *Chichigof* at Chilkat, for trading purposes with the Kolosh, according to my instruction, the Assistant Commander of the vessel pilot Lindenberg made a survey of the mouth of the river Chilcat. I have the honor of forwarding to the Board of Directors the map of this survey and the original journal kept by Lindenberg, as well as the promised partial map of the territory occupied by us in the vicinity of the Bay of Bodega, now called Khlebnikof Plains (new Ranch) and Chernykh Plains. I deem it not superfluous for the Board of Directors to possess this map for greater clearness with regard to this locality.

I also enclose a copy of the report of 2nd. Lieut. Orloff, of the Corps of Pilots to me of July 15, 1838, with regard to the inaccuracy found by him in the position of the island Chirikotan, the true latitude of which is determined at present by Mr. Orloff as 48° 59′ 36″ 2 N. and longitude 206° 28′ 18″ W. of Greenwich, according to the bearing off the island of Rawkock (?).

I deem it my duty to inform the Board of Directors that last winter partial maps of the Kolosh Straits situated within the Russian American frontiers were made here by my order of all localities which were completed at different times with regard to the already existing maps of Captain Vancouver, by the commanders of the vessels of the Russian American Company cruising there, especially Lieut. Captain Zarembo, to whose assistance I am greatly indebted during the execution of the above mission. I am not yet sending these maps to the Board of Directors, but they will be sent next year, as I hope to render them still more complete during this summer.

THE DRYAD AFFAIR.

Extract from Tikhmenief's Historical Review of the Russian-American Company, etc., Part I, pp. 264–270.

[Translation.]

In 1833, the Governor of the settlements of the Hudson Bay Company proposed to Baron Wrangel, the Chief Manager of the Russian Colonies, to establish a general trade in furs, in order, by this means, to prevent all competition on the part of the United States. Without positively declining the proposal of the Hudson Bay Company, Baron Wrangel instructed Captain-Lieutenant Atolin, who had been sent by him to the Kolosh Straits in the Brig *Tchichagoff*, to acquiesce in the operations of the English in their trading relations with the natives, but, at the same time, in other respects, to act entirely independently, and, among other things, to give the English to understand that the Russian-American Company would positively insist upon the strict observance of the terms of the Convention, and upon the rights which it had acquired, in accordance with which English vessels were not allowed to trade in the straits which were within the boundaries of the Russian possessions. Mr. Atolin, while examining the coast from Kaigan Strait to the Stachin River, studied with great care the advantages which the Company might derive from this region, and made acquaintance and established trade with the natives. In the meantime, news came to Baron Wrangel that soon after Mr. Atolin's visit, the English had come in boats, by the straits, to the mouth of the Stachin River, and after making a close examination of it, and taking soundings, had explored the river for some distance up its course. In addition to this, they had told the natives that they intended to establish a settlement higher up the river, which would trade with them, and would buy their furs and provisions at considerably higher prices than those paid by the Russians. These reports were the more credible in that an English settlement on the upper part of the river might stop the passage of the river otters to the sea-coast, down the Stachin, that is to say, within the Russian territory, from the English possessions, and, con-

sequently, would secure to the English advantages for the fur trade in their territory. Foreseeing the injury which would inevitably result to the Russian-American Company from the establishment by the English of a settlement on the Stachin River, together with full liberty to enter and leave the river, and to navigate the straits in our territory, (Art. 6 of the Convention of 1825), and relying upon that point in the Convention by which the right of English vessels to touch or stay at places where there are Russian settlements, except with the consent of the Governor of the settlement, was abandoned (Art. 2 of the Convention), the Chief Manager of the Colonies resolved to construct without the least delay a fort at the very mouth of the Stachin River. For this purpose, he sent, in 1834, two vessels, the brig *Tchichagoff* and the schooner *Chilkat*, and gave orders to Lieutenant Dionysius Zarembo, the commander of the former, not to permit the English to remain or come within our territory, but not to infringe the remaining provisions of the Convention.

For these reasons, the fort was built in Lat. 56° 40′ N. and Long. 132° 10′ E. from Greenwich, and was named Fort Dionysius. In order to carry on an uninterrupted trade in these regions, it was necessary, in addition to the fort on the Stachin River, to construct some fortifications northward to Chilkat Strait, named by Vancouver Lynn Channel. Only then would the advantages of this trade be secured, by the mutual assistance of these forts, in all respects and under all circumstances. The English, fearing the commercial superiority of the Russians in the districts coterminous with our territory, endeavored by every means to injure our trade and to arm the natives against us. They sent persons acquainted with the native language, to induce the natives to rise against the Russians, gave them arms, in a word employed every means to attain their ends. The efforts of the English were not unsuccessful. The hostile feelings of the savages were not long in displaying themselves, and their intentions to destroy the fort, were hardly concealed. Baron Wrangel ordered Lieutenant Zarembo to remain there with the brig until the arrival of another vessel to relieve him—and, through the exertions of Lieut. Zarembo, the attempts of the savages were defeated.

Subsequently, the English vessel *Dryad* arrived at the mouth of the Stachin River, in command of Ogden, an agent of the Hudson Bay Company, with men, cattle, merchandise, and other supplies, for the purpose of founding the settlement above referred to. The Russian redoubt barred, so to speak, the entrance of the English into the river. Mr. Ogden could not elude it. In order not to remain in front of the fort, and even then, with the help of his boats, it was necessary for him to go from there with his vessel and supplies, up the river. He then requested Mr. Zarembo's permission to do so, but this permission was finally refused. It must be remarked here that this refusal was confined to a written communication in which, among other things, it was stated that the 11th article of the Convention would be strictly observed, that is to say, that no violence would be employed on the part of the Russians, if Ogden persisted. Ogden, however, did not decide to enter the river, although, under the terms of the Convention, he had the full right to do so. He proceeded to Novo-Archangelsk to confer with Baron Wrangel, but, as he was likewise unsuccessful there in his solicitations, he notified the Directors of the Hudson Bay Company of the alleged violation of the Convention on the part of the Russian Colonial Government. That Company then, through its Gov-

ernment, demanded an indemnity for the losses which it had sustained, as it asserted, on this occasion, to the amount of 21,500 pounds sterling.

Our Ministry of Foreign Affairs, arguing from the strict meaning of the Convention, was compelled to admit that the Colonial Government was guilty, if not of an actual violation of the terms of the Treaty with the English, at all events, of some ambiguity in the notification given by the commander of the Russian vessel and the commander of the fort; and it saw no other course left than to comply with the English demands.

This matter was in this state when Baron Wrangel, who had returned to St. Petersburg from the Colonies, undertook to settle it, provided Mr. Simpson, one of the Directors of the Hudson Bay Company, were appointed a plenipotentiary on the part of England. The result of the negotiations, which took place at Hamburg in 1837, with the Emperor's permission, justified Baron Wrangel's expectations, which were based upon the belief that Mr. Simpson would be willing, for many reasons, to any agreement, rather than that there should be a rupture of the friendly relations between the Companies. He labored in person for many years in the territories of the Hudson Bay Company; he well knew how great an advantage the Russian-American Company possessed over the English in the regions in dispute; and consequently he could not help fearing to give the Russians cause to act, in their turn, to the injury of his own countrymen.

By the provisions of the Agreement concluded, the Russian-American Company, leased to the Hudson Bay Company, for the term of ten years, a strip of land in the Russian territory, 10 [Russian] miles in width, north and south of the Stachin River, that is to say, that part of the sea-coast from lat. 54° 40′ northwesterly, to a line drawn from Cape Spencer, on Cross Bay, to Mount Fairweather. The possession of this strip afforded the English this special advantage, independently of the prevention of any collisions and competition with the Russians, that it enabled the Hudson Bay Company to establish a uniform price for the furs which it obtained in barter from the natives, and thus greatly facilitated the supervision of its Colonial Government over the numerous posts under its jurisdiction.

[The author, after giving the general provisions of the agreement of lease, continues:]

This agreement received the Emperor's assent; and, at the time fixed, Fort Dionysius, together with the leased strip of land in the territory described, was turned over to the English.

Taking into consideration the fact, in the first place that, by means of this Agreement, the Company was spared the annual expense of the maintenance of Fort St. Dionysius and of the men serving in it, estimated to amount to 12,000 silver rubles; and, in the second place, that all occasion for hostile collisions between the agents of the Russian and the English companies, for mutual claims and rivalries, which are so dangerous in those remote regions, was removed; and, lastly, that, by this means, all ground for a renewal of the requests on the part of the Government of the United States for a continuance of the privilege granted to American vessels, of the right of free navigation in the seas and narrow waters (or straits) of our possessions, which right was incompatible with the interests of the colonies (Art. IV of the Treaty of 1824), was removed—it must be admitted that the lease of the strip of Russian territory to the Hudson Bay Company, on the above mentioned terms, was very advantageous to the Russian-American Company

CENSUS OF INDIANS OF THE TRIBE KNOWN AS KOLOSHES, IN KNOWN SETTLEMENTS WITHIN THE LIMITS OF THE RUSSIAN POSSESSIONS.

Extract from Tikhmenief, Part II pp. 340–341.

[Translation.]

"The most important of the native tribes that inhabit the northwestern shore and main land of America, within the limits of the Russian possessions, must be called the tribe of the Koloshes, which occupied properly the space between the Straits of Vancouver and Chugatski Bay [Prince William Sound]. * * * The precise number of the Koloshes is not known. Some suppose that, including the most distant Koloshes, it amounts to 40,000. Others, among them Veniaminof, calculate that there are only 25,000. For our part, we present the number of Koloshes in known settlements, borrowed by us from the memorandum" (zapisck) of M. Verman:[a]

	Men.	Women.	Kalgof.[a]	
			Men.	Women.
In the Sitka settlements (near Novaarkangelsk)	715	585	51	44
Kutsnofski	280	280	20	20
Chilkatski	728	728	80	80
Kekofski	210	210	13	12
Takuski	335	337	20	20
Genufski	195	197	10	9
Tangaski	154	154	13	12
Icy Strait	154	154	13	10
Harbor of Asanki	56	56	3	3
Stakhine Settlement (near river of the same name)	308	308	41	40
Kaiganski Settlement (southern side of Prince of Wales Island)	280	280	99	99
Settlement on Ltua Bay	265	267	29	29
Yakutat Settlement	163	168	25	24
Total	3,974	3,700	[b]41	406

[a] Slaves.

[b] Should be 417. Error in original.

RUSSIAN AUTHORITY EXERCISED OVER THE INDIANS IN THE STAKHINE REGION.

Extract from Tikhmenief, Part II, p. 211.

[Translation.]

In order to maintain more perfect peace among the independent natives in the neighborhood of the Russian colony, and to acquire for the Company as much influence over them as possible, there was created, and confirmed by Imperial authority December 6 1842, the position of Chief Toyon [Toen] of the Koloshes. The duties of this position were imposed, by nomination of the Chief Administration of the Company, upon a baptized Kolosh named Michael Kukhkan, who was connected by blood relationship with the most respected members of the tribe.

A similar appointment of a Chief Toyon in the Stakhine [region] to fill the place of one who had retired, and its confirmation by the Colonial Administration, followed in 1862—last year.

[a] Captain-Lieutenant F. K. Verman Commanding the Ships of the Colonial Flotilla. (Part 2, p. 284, foot-note.)

From Report of the Chief Director of the Colony, November 15, 1862, Tikhmenief, Part II, pp. 210–11.

In the year 1846, the Dionisius Redoubt, left at the disposal of the English by the terms of the lease of the sea-coast strip of the Russian possessions, was besieged by the natives, who cut off all communications with it. The mere appearance in those waters of a steamer [of the Russian American Company] in compliance with a request for help from the commander of the fort, and the persuasion of envoys from our Company, were enough to bring the Koloshes to reason and put an end to a quarrel which, as the English themselves admitted, would probably have ended in the complete destruction of the fort. In like manner, no longer ago than 1862, one of the naval officers in the service of the Company, who, by order of the Chief Director of the Company, had been sent to the mouth of the Stakhine, was obliged to take measures to suppress disorders, which, notwithstanding the presence of an English war-steamer, had arisen between the natives and the English who were going to the gold placers discovered in the territories of the Hudson Bay Company. He [this naval officer] succeeded in getting a promise from the principal Stakhine toyon, and other elders, that order should be restored immediately.

Mr. Clay to Mr. Seward.

No. 163.] LEGATION OF THE UNITED STATES,
St. Petersburg, November 21, 1867.

SIR: I herein transmit to you a memorandum descriptive of the Russian imperial system of Russian America, (portage,) division of property, &c., marked AA.

I am, sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

TRANSLATION OF THE RUSSIAN MEMORANDUM MARKED A A.

BY S. N. BUYNITZKY.

Explanatory memorandum in answer to the communication of the ministry of foreign affairs, department of interior relations, dated August 31, 1867, No. 5,790, pursuant to the communication addressed by Hon. W. H. Seward, Secretary of State, August 6 [20], 1867, to St. Petersburg, to the American envoy near the imperial court.

To the question concerning the system of division and measurement of landed property which was adopted by the imperial government in the late Russian American possessions:

The question, as stated by the government of the United States of America, has to be solved in two relations: first, in relation to *the natives* who occupied of yore the lands which composed the Russian American colonies; and, second, in relation to *the colonists* who had settled in that country after it had been included into the limits of Russian empire.

Adverting first to the *natives* or *aborigines*, we may divide them into two groups: the islanders and the inhabitants of the American continent.

* * * * * * *

Now, going over to the inhabitants of the American continent, we meet with phenomena completely different. Settlements nearest to the coast have many common features with the islanders, as well in respect of settled life as in respect of means of existence and trade; but, the deeper we advance into the continent of America, the more varies the character of the natives. The inhabitants of the coast, like those of the Aleutian islands, distinguish themselves by submissiveness, good-nature, and visible marks of social instinct; such are *the Kenayans, the Tshugaces, Kooskokvimians, and the Aglegonutes;* nearly all of them are Christians; they are of a rather gentle disposition, and lived in good understanding and constant intercourse with the Russians, so that the Russian American Company, in order to entertain friendly relations, and to induce the natives to carry on fur trade, yearly provided, upon the Kenayan coast, a supply of about ten thousand youkola, or dried fish. On the contrary, the further from the coast, the more rough and independent the character of the savages; every symptom not only of social, but even of settled life, disappears because these natives, having no other occupation but hunting, migrate in the track of game from one part to another, establishing but provisional settlements for winter season; to this class of savages must be numbered *the Caloshes, the "Toondras," the Coltshans, the Magmutes, the Agoolmutes or Koossilvakians, the Aziagmutes, the Malemutes, the Anghelics, the Kooyoukonians, and the Mednovetzes,* and, generally, the tribes inhabiting the islands of the Caloshian archipelago, the banks along Stakhin river mouth; along the rivers Kvikhpack, Kooskokvim, Kooyoucan, Shikhtalick and their tributaries, and the shore below and above the Straits of Behring. Most of these tribes live in primeval forests of such thickness that the only ways of communication are rivers, along the streams of which they travel in their "baydaras" (boats) during summer season, to trade, partly with neighboring savages, and partly with Russian redoubts and "odinotshkas," situated along the sea-coast, and at the mouth of Kvikhpack and Kooskokvim rivers. During winter these people accomplish their travels with "nartas" (sleighs) drawn by dogs, and reach as far as the grounds of the Tshuktches of Siberia, crossing upon ice the Strait of Behring. All these tribes are supplied with fire-arms and spirits, of which they are, like all savages, very fond—in part from English possessions, and in part by foreign transient ships. The Russian American Company hardly ever penetrated into the interior of the continent, and, owing to the wild character of its inhabitants, never established there any settlements; only for trading purposes, small factories, called redoubts and "odinotshkas," were established along the coast, preferably, near the bays and the mouths of large rivers. These factories generally consist of a roofed yard of moderate size, in which live the clerk of the company, with a few workmen out of the pacified natives, and where is stored a small supply of dried fish and some manufactured goods, wanted for the use of savages. Such is, in general features, the character of the Russian American continent.

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VISIT OF SIR GEORGE SIMPSON TO RUSSIAN AMERICA.

Extract from Narrative of a Journey Round the World during the years 1841 and 1842 by Sir George Simpson, London 1847, Vol. I.

[Page 209.] Next day, we passed through the Canal de Reveilla and Clarence Straits, respectively about thirty and fifty-four miles long. On the morning thereafter, having halted all night, on account of the narrowness of the channel, we passed through Stikine Straits into the little harbour of Fort Stikine, where, about eight o'clock, we were welcomed on shore by Mr. McLoughlin, junior. This establishment, originally founded by the Russian America Company, had been recently transferred to us on a lease of ten years, together with the right of hunting and trading in the continental territories of the association in question, as far up as Cross Sound. Russia, as the reader is, of course, aware, possesses on the mainland, between lat. 54°, 40′, and lat. 60°, only a strip, never exceeding thirty miles in depth; and this strip, in the absence of such an arrangement as has just been mentioned, renders the interior comparatively useless to England.

[Page 214.] At two in the afternoon we reached Taco, an estab

lishment conducted by Dr. Kennedy, with an assistant and twenty-two men. Here the little harbour is almost land-locked by mountains, being partially exposed only to the south-east. One of the hills, near the fort, terminates in the form of a canoe, which serves as a barometer. A shroud of fog indicates rain; but the clear vision of the canoe itself is a sign of fair weather.

The fort, though it was only a year old, was yet very complete with good houses, lofty pickets, and strong bastions. The establishment was maintained chiefly on the flesh of the chevreuil, which is very fat, and has an excellent flavour. Some of these deer weigh as much as a hundred and fifty pounds each; and they are so numerous, that Taco has this year sent to market twelve hundred of their skins, being the handsome average of a deer a week for every inmate of the place. But extravagance in the eating of venison is here a very lucrative business, for the hide, after paying freight and charges, yields in London a profit on the prime cost of the whole animal.

Seven tribes, three of them living on islands, and four on the mainland, visit Taco. They muster about four thousand souls; and they are subdivisions of the Thlinkitts, speaking dialects of the language of that nation. These Indians were delighted to have us settled among them; and on this ground they viewed with much jealousy the visits of more distant savages, to whom they were desirous of acting as middlemen. As our interest and feeling in the matter were altogether different, this jealousy of theirs had sometimes occasioned misunderstandings between them and our people. On one occasion, Dr. Kennedy's assistant, having chased out of the fort a savage who had struck him, was immediately made prisoner; while the Doctor himself, who ran to his aid, shared a similar fate. Several shots were fired from the bastions, though without doing, and probably without intending to do, any mischief. And this was fortunate: for though Taco, with a running stream within its walls, was less at the mercy of the natives than Stikine, yet its people, in the event of any loss of life on the part of the savages, might have suffered severely from the workings of treacherous revenge. At length, the affair was amicably settled by ransoming the two captives with four blankets. Still, notwithstanding these little outbreaks, Kakeskie, chief of the home guards, had been a good friend to the trade; and accordingly, though he was absent, yet I ordered that a present should be made him, in my name, on his return.

* * * * * * *

After being detained at Taco from Wednesday afternoon to Saturday morning, by an interrupted storm of high wind and heavy rain, we started at daybreak, with about fifteen miles more of Stephen's Passage before us. Having accomplished this distance, we crossed the entrance of the Gulf of Taco, so called from its receiving the river of the same name. This stream, according to Mr. Douglas, who had ascended it for about thirty-five miles, pursued a serpentine course between stupendous mountains, which, with the exception of a few points of alluvial soil, rose abruptly from the water's edge with an uninviting surface of snow and ice. In spite of the rapidity of the current, the savages of the coast proceed about a hundred miles in canoes; and thence they trudge away on foot the same distance to an inland mart, where they drive a profitable business, as, middlemen, with the neighbouring tribes. Besides facilitating this traffic, one

of the best guarantees of peace, the establishment of our fort had done much to extinguish a branch of commerce of a very different tendency. Though some of the skins previously found their way from this neighborhood to Sitka and Stikine, yet most of them used to be devoted to the purchasing of slaves from the Indians of Kygarnie and Hood's Bay.

DISCOVERY AND EXPLORATION OF THE STIKINE.

Extract from report of an exploration in the Yukon district, &c., by George M. Dawson, D. S. F. G. S. (In geological and natural history survey of Canada, annual report, Vol. III, Part I, 1887–88, page 61 B.)

Early notices of the river.

Though the position of the Stikine is indicated on Vancouver's charts by the open channels of the river, and the shoals about its estuary are mapped, the existence of a large river was not recognized by that navigator, who visited this part of the coast in 1793. According to Mr. W. H. Dall, the river was first found by the fur traders. "The sloop *Dragon*, Captain Cleveland, visited the Stikine delta in April, 1799, and in the journal of the sloop *Eliza*, Captain Rowan, for the same year, we find the locality alluded to as 'Stikin.'" It was, no doubt, visited as well by many of the trading vessels which about this time frequented the coast.

Establishments of the Hudson Bay Co.

In 1834 the Hudson Bay Company fitted out a vessel named the *Dryad* for the purpose of establishing a post and colony at the mouth of the Stikine, but the Russians being apprised of this circumstance sent two small armed vessels to the spot, and constructed a defensive work which they named Fort Dionysius, on the site of the present town of Wrangell. Finding themselves thus forestalled, the Company retired. This dispute was compromised in 1837, when an arrangement was made by which the Company leased for a term of years all that part of the Russian territory which now constitutes the "coast strip" of Alaska, and the "fort" was handed over to the Company, the British flag being hoisted under a salute of seven guns in June, 1840. In the same year, the post, which had been renamed Fort Stikine by Sir James Douglas, was attacked by the Indians, and in the following year a still more serious attack was threatened, and averted only by the timely arrival of Sir George Simpson, as recorded in his "Narrative of a Journey Round the World" (II, p. 181). In 1847, the coast Indians (Thlinkit) are stated to have attacked and taken possession of the fort. In the spring of 1840, the Hudson Bay Company established also a second fort on this part of the coast which was named Fort Durham. This fort was situated at a place named by the late Sir James Douglas, "Locality Inlet," about thirty miles southward from the mouth of Taku River and near the entrance of the Inlet of the same name, in sight of Douglas Island. It was abandoned in the spring of 1843, and is sometimes referred to as Taku Fort.

Discovery of upper part of river.

Previous to this time, in 1834, Mr. J. McLeod, had in the interest of the Hudson Bay Company, reached the banks of the upper part of the Stikine, near Dease Lake, coming overland from the Mackenzie River. Subsequently, Mr. R. Campbell spent the winter of 1838–39 on Dease Lake, but established no fort on the Stikine.

Discovery of gold.

No further events of importance appear to have occurred in connection with the river till, in 1861, two miners named Choquette ("Buck") and Carpenter, discovered placer gold on its bars. In the following spring, some excitement being created by the announcement of this discovery, several prospecting parties were fitted out in Victoria, and a number of men passed the summer in mining on the river. In 1863, the Russian authorities, hearing of the discovery of gold, despatched the corvette *Rynda* to ascertain whether the mining was being carried on in Russian territory. A boat party from this vessel, under Lieutenant Pereleshin, ascended the river to a point a few miles above the Little Cañon, occupying May 23rd to June 1st on the expedition. Mr. W. P. Blake accompanied this party, and in addition to the sketch-map published by the Russians, his report on the Stikine, previously alluded to, is based on it.[a]

THE DRYAD AFFAIR.

Extracts from Alaska and its Resources, by William H. Dall, Boston, 1870.

1834. The Russian government, under the fourth article of the convention of 1824, withdrew the privilege of free navigation of their waters from American traders. This course was prompted by the sale of fire-arms and spirits to the natives by unscrupulous traders. The American Minister protested against the action of Russia, but without effect. The convention with Great Britain would terminate the following year. The insatiable Hudson Bay Company, ever ready to extend their traffic by force, or fraud if necessary, conceived the audacious idea of establishing a fort on the Russian territory before the term expired. They fitted out the vessel *Dryad* with colonists, cattle, and arms, and despatched her to the mouth of the Stikine River.

Baron Wrangell was informed of the project, and despatched Lieutenant Dionysius Zarémba, in the armed brig *Chichagoff* with the schooner *Chilkaht*, who built Fort Dionysius on a small harbor near the mouth of the Stikine, and thus checked the encroachments of the English, who were not suffered to land. The latter were very indignant, and declared that £20,000 had been spent in fitting out and loading the vessel, which was, no doubt, a gross exaggeration. Remonstrances were useless, and they were obliged to return to Fort Vancouver on the Columbia River, where they had been fitted out. This matter was immediately brought before the English government, who demanded satisfaction, through their agents, for an alleged infraction of the treaty of 1825.

ARTICLE FROM THE BRITISH COLONIST, VICTORIA, B. C.

From Archiv für Wissenschaftliche Kunde von Russland, by A. Erman, 1863, Vol. XXII, p. 47.

[Printed in Fur Seal Arbitration, (Congressional edition) vol. IV., British Case, Appendix Vol. I, p. 287.]

The information which we daily publish from the Stakine River very

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[a] For Blake's Report *see* House Ex. Doc. No. 177, Part 2, Fortieth Congress, 2d session.

naturally excites public attention to a great extent. Whether the territory through which the river flows be considered in a political, commercial, or industrial light, there is a probability that in a short time there will be a still more general interest in the claim. Not only will the intervention of the Royal jurisdiction be demanded in order to give to it a complete form of government, but if the land proves to be as rich as there is now reason to believe it to be, it is not improbable that it will result in negotiations between England and Russia for the transfer of the sea-coast to the British Crown. It certainly is not acceptable that a stream like the Stakine, which for 170 to 190 miles is navigable for steamers, which waters a territory so rich in gold that it will allure thousands of men—certainly it is not desirable that the business of such a highway should reach the interior through a Russian door of 30 miles of coast. The English population which occupies the interior cannot be so easily managed by the Russians as the Stakine Indians of the coast manage the Indians of the interior. Our business must be in British hands. Our resources, our energies, our undertakings cannot be fully developed in building up a Russian emporium at the mouth of the Stakine. We must have for our productions a depôt over which the British flag waves. By the Treaty of 1825 the navigation of the river is secured to us. The navigation of the Mississippi was also open to the United States before the Louisiana purchase, but the growing strength of the North made the attainment of that territory either by purchase or by might an evident necessity. We look upon the sea-coast of the Stakine-land in the same light. The strip of land which stretches along from Portland Canal to Mount St. Elias, with a breadth of 30 miles, and which according to the Treaty of 1825 forms a part of Russian America, *must eventually become the property of Great Britain*, either as the direct result of the development of gold, or for reasons which are now yet in the beginning, but whose results are certain. For it is clearly undesirable that the strip 300 miles long and 30 miles wide, which is only used by the Russians for the collection of furs and walrus teeth, shall for ever control the entrance to our very extensive northern territory. It is a principle of England to acquire territory only as a point of defence. Canada, Nova Scotia, Malta, the Cape of Good Hope, and the great part of our Indian possessions were all acquired as defensive points. In Africa, India, and China the same rule is to-day followed by the Government. With a Power like Russia it would perhaps be more difficult to get ready, but if we need the sea-coast to help us in our business in the precious metals with the interior and for defence, then we must have it. The United States needed Florida and Louisiana, and they took them. We need the shore of New Norfolk and New Cornwall.

It is just as much the destiny of our Anglo-Norman race to possess the whole of Russian America, however wild and inhospitable it may be, as it has been the destiny of the Rusian Northmen to prevail over Northern Europe and Asia. As the Wandering Jew and his phantom in the tale of Eugène Sue, so will the Anglo Norman and the Russian yet look upon each other from the opposite side of Behring Straits. Between the two races the northern half of the Old and New World must be divided. America must be ours.

The present development of the precious metals in our hyperborean Eldorado will most probably hasten the annexation of the territory in question. It can hardly be doubted that the gold region of the Stakine

extends away to the western source of the Mackenzie. In this case the increase of the business and of the population will exceed our most sanguine expectations. Who shall reap the profit of this? The mouths of rivers have as well before as since the time of railroads controlled the business of the interior. For our national pride the thought, however, is unbearable that the Russian Eagle should possess a point which owes its importance to the British Lion. The mouth of the Stakine must be ours, or at least an outer harbour must be established on British soil from which our steamers can pass the Russian girdle. Fort Simpson, Dundas Land, Portland Canal, or some other convenient point, must be selected for this purpose. The necessity of speedy action in order to secure the control of the Stakine is apparent. If we let slip the opportunity, so shall we permit a Russian State to arrive at the door of a British Colony.

PAPERS RELATING TO THE CESSION AND TRANSFER OF ALASKA TO THE UNITED STATES IN 1867.[a]

Notes informally submitted to the chairman of the committee in the Senate, with the Alaska treaty, by the Secretary of State.

Probably this treaty stands alone in the history of diplomacy, as an important treaty conceived, initiated, prosecuted and completed, without being preceded or attended by protocols or despatches.

The archives of the State Department show a continuous progress and growth of friendship and cordiality between the United States and Russia, beginning with the establishment of the government. The late civil war, which disturbed, if it did not shatter to pieces the relations between the United States and most of the European states, was marked in its very beginning by demonstrations of sympathy and solicitude for the stability of the Union on the part of Russia. Care was taken on both sides to anticipate and prevent the happening of any incident that might tend to distress or embarrass the relations between the two countries.

It was verbally understood between the two governments that the United States would be at liberty, if they should find it necessary, to carry prizes into Russian ports. No confederate agent was ever received or encouraged or entertained at St. Petersburg. Such difficulties as occasionally arose out of complaints by the citizens and subjects of the two countries were amicably adjusted by verbal explanations without being made grounds for complaint or reclamation in writing.

The visit of the Russian fleet to the United States in the winter of 1863 was intended by the Emperor, and was accepted by the United States, as a demonstration of respect and good-will, and resulted in an increase of mutual regard and sympathy.

As early as 1861, the executive governments of the two countries came to an understanding to act in concert with a view to the establishment of a connection between San Francisco and St. Petersburg, by an interoceanic telegraph line across Behring's Straits. At a subsequent day Congress sanctioned and gave its co-operation to that policy.

On the 26th of December, 1864, the Secretary of State, by direction of the President, invited the Emperor of Russia to send his principal adviser, the Archduke Constantine, upon a visit to the United States, intimating an opinion that such a visit would be beneficial to the United States, and by no means unprofitable to Russia, and giving the assurance that the Archduke, coming as a national guest, would receive a cordial and most demonstrative welcome by the government and people of the United States. The then condition of domestic affairs in Russia prevented the acceptance of this invitation. A copy of the invitation is annexed.

The memorial of the legislature of Washington Territory to the

[a] Extracts from House Executive Document, No. 177, Fortieth Congress, Second Session, February 19, 1868, relating to the Treaty of March 30, 1867, and the transfer of Alaska to the United States.

President, received in February, 1866, was made an occasion, in general terms, for communicating to Mr. de Stoeckl the importance of some early and comprehensive arrangement between the two countries, to prevent the growth of difficulties arising out of the fisheries in the Russian possessions.

In the spring of 1866, Mr. Fox, late Assistant Secretary of the Navy, was made the bearer of the expressions of national sympathy with the Emperor, arising out of the attempt at his assassination. He was especially charged to express the most friendly feelings towards the government and people of Russia.

In the month of October, 1866, Mr. de Stoeckl, who had long been the Russian minister here, and enjoyed in a high degree the confidence of the government of the United States, went home on a leave of absence, promising his best exertions to facilitate the establishment of good relations upon a permanent basis. He returned to Washington early in the month of March last. The treaty for the cession of Russian America to the United States was concluded and signed on the 30th day of March last. A copy is annexed of the only two notes which passed between the negotiators before the final execution of the treaty.

Memorial of the legislature of Washington Territory to the President. Received February, 1866.

To his Excellency ANDREW JOHNSON,
President of the United States:

Your memorialists, the legislative assembly of Washington Territory, beg leave to show that abundance of codfish, halibut, and salmon, of excellent quality, have been found along the shores of the Russian possessions. Your memorialists respectfully request your Excellency to obtain such rights and privileges of the government of Russia as will enable our fishing vessels to visit the ports and harbors of its possessions to the end that fuel, water, and provisions may be easily obtained, that our sick and disabled fishermen may obtain sanitary assistance, together with the privilege of curing fish and repairing vessels in need of repairs. Your memorialists further request that the Treasury Department be instructed to forward to the collector of customs of this Puget sound district such fishing licenses, abstract-journals, and log-books as will enable our hardy fishermen to obtain the bounties now provided and paid to the fishermen in the Atlantic States. Your memorialists finally pray your Excellency to employ such ships as may be spared from the Pacific naval fleet in exploring and surveying the fishing banks known to navigators to exist along the Pacific coast from the Cortez bank to Behring straits. And, as in duty bound, your memorialists will ever pray.

Passed the house of representatives January 10, 1866.

EDWARD ELDRIDGE,
Speaker House of Representatives.

Passed the council January 13, 1866.

HARVEY K. HINES,
President of the Council.

Mr. Seward to Mr. de Stoeckl.

DEPARTMENT OF STATE,
Washington, March 23, 1867.

SIR: With reference to the proposed convention between our respective governments for a cession by Russia of her American territory to the United States, I have

the honor to acquaint you that I must insist upon that clause in the sixth article of the draught which declares the cession to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions by any associated companies, whether corporate or incorporate, Russian or any other, &c., and must regard it as an ultimatum; with the President's approval, however, I will add two hundred thousand dollars to the consideration money on that account.

I avail myself of this occasion to offer to you a renewed assurance of my most distinguished consideration.

WILLIAM H. SEWARD,
Secretary of State.

MR. EDWARD DE STOECKL, *&c.*

Mr. de Stoeckl to Mr. Seward

[Translation.]

IMPERIAL LEGATION OF RUSSIA TO THE UNITED STATES,
Washington, March 25, 1867.

MR. SECRETARY OF STATE: I have had the honor to receive the note which you were pleased to address to me on the 3d March, 1867, to inform me that the federal government insists that the clause inserted in article sixth of the project of convention must be strictly maintained, and that the territory to be ceded to the United States must be free from any arrangement and privileges conceded either by government or by companies.

In answer, I believe myself authorized, Mr. Secretary of State, to accede literally to this request on the conditions indicated in your note.

Please accept, Mr. Secretary of State, the assurances of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. de Stoeckl to Mr. Seward.

[Translation.]

WASHINGTON, *March 29, 1867.*

MR. SECRETARY OF STATE: I have the honor to inform you that by a telegram dated 16–28 of this month from St. Petersburg, Prince Gortchakoff informs me that his Majesty the Emperor of all Russias gives his consent to the cession of the Russian possessions on the American continent to the United States for the stipulated sum of seven millions two hundred thousand dollars in gold, and that his Majesty the Emperor invests me with full powers to negotiate and sign the treaty.

Please accept, Mr. Secretary of State, the assurance of my very high consideration.

STOECKL.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

possessions, and as they regard us perpetual friends, in hopes that it may ultimately lead to the expulsion from the great Pacific of nations whose power in the east is justly feared.

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Mr. Bodisco has come with the treaty.

Believe me truly, my dear sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Mr. de Stoeckl.

DEPARTMENT OF STATE,
Washington, May 13, 1867.

SIR: I have the honor to inform you that Brigadier General Lovell H. Rousseau has been appointed by the President the commissioner on the part of the United States to receive, from the commissioner appointed on behalf of his Majesty the Emperor of all the Russias, the territory ceded to the United States by the treaty of the 30th of March last. A copy of the instructions which have been given to General Rousseau for his guidance in executing that trust is herewith communicated for your information and that of your government.

I avail myself of this occasion, sir, to offer to you a renewed assurance of my most distinguished consideration.

WILLIAM H. SEWARD,
Secretary of State.

MR. EDWARD DE STOECKL, *&c.*

[Telegram received at War Department, Washington, May 23, 1867. Time 8.45 a. m.]

General Halleck to Mr. Stanton.

SAN FRANCISCO, CAL., *May 20, 1867.*

If the Russian American territory is to be occupied this year the troops should be sent there in June, or at least in July. I recommend the establishment, for the present, of four posts of one company each, viz:

1st. New Archangel, in Sitka bay.
2d. In Cook's inlet.
3d. On Kadiok island.
4th. On Onolaska island.

Probably the occupation of posts in Norton's sound, Bristol bay, and on the Youcan river, had better be postponed till next year. Not more than four companies can well be spared from the troops now on the coast for services in the new territory.

H. W. HALLECK, *Major General.*

Hon. EDWIN M. STANTON,
Secretary of War.

Mr. Seward to Mr. Stanton.

DEPARTMENT OF STATE,
Washington, May 25, 1867.

SIR: I have read Major General Halleck's dispatch of the 20th instant.

The exchange of ratifications of the Russian American treaty is expected to be made not later than the 30th of June. The Russian minister expects commissioners to come here from St. Petersburg to make formal delivery of the territory soon after the exchange of ratifications. Those commissioners will proceed hence to San Francisco, and the journey will occupy some time. Troops need not be sent before the formal delivery of possession is made by the commissioners. I think that the commissioners of both parties may be expected to be able to leave San Francisco as early as the 25th of July. My present thought is that Major General Halleck, or Major General McDowell, ought to be instructed to proceed to Russian America as commissioner to receive the delivery of the Territory. In that case the troops could probably go with the military commissioner.

The Secretary of the Navy informs me that he will order a suitable ship of war to convey the commissioners, and I suppose that he will also furnish the necessary transports. Would you be good enough to confer with him on the subject?

Giving you these facts for your information, I have now to submit the expediency of your making such reply to Major General Halleck as you shall deem discreet and proper.

I am, &c.,

WILLIAM H. SEWARD.

Hon. E. M. STANTON,
Secretary of War.

Mr. Clay to Mr. Seward.

No. 147.] LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, July 5, 1867.

SIR: You were not, perhaps, aware, when you made the Russian treaty of cession, that the Russian American Fur Company kept soldiers and defended the territory of Russian America. So the words, "fortifications, barracks, &c., not private individual property," would convey nothing to us, although no doubt you intended to buy all of those. I write now to inform you that there has been an understanding between the Russian government and the Russian American Company, and it is expected that you will claim all military posts, &c., and this they will grant, I doubt not, if insisted on. The other franchises of the Russian American Company had expired by time in this year, and were not renewed. As a matter of fact, I believe that the Russian American Company kept soldiers at every place of occupation, saw-mills, ice-works, &c., but these could hardly be construed to be "fortifications or barracks," in equity.

My object is simply to give you some idea of the facts, which may be of use to you, in settling with the commissioner of the Russian government, who will deliver over the property to us.

I am, sir, your most obedient servant,

C. M. CLAY.

Hon. W. H. SEWARD,
Secretary of State, Washington, D. C., U. S. A.

I have received no official despatches from General Davis, but learn from other sources that his troops were landed immediately upon the formal transfer of the territory, and that they are comfortably housed in Sitka. It is doubtful whether I shall be able to communicate with General Davis again during the winter.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General, Commanding.

ADJUTANT GENERAL *of the Army, Washington, D. C.*

Official:

R. WILLIAMS,
Assistant Adjutant General.

THE NEGOTIATION, IN ITS ORIGIN AND COMPLETION.

Extract from speech of Hon. Charles Sumner of Massachusetts, on the cession of Russian America to the United States.

I am not able to say when the idea of this cession first took shape. I have heard that it was as long ago as the administration of Mr. Polk. It is within my knowledge that the Russian government was sounded on the subject during the administration of Mr. Buchanan. This was done through Mr. Gwin, at the time senator of California, and Mr. Appleton, Assistant Secretary of State. For this purpose the former had more than one interview with the Russian minister at Washington some time in December, 1859, in which, while professing to speak for the President unofficially, he represented "that Russia was too far off to make the most of these possessions; and that, as we are near, we can derive more from them." In reply to an inquiry of the Russian minister Mr. Gwin said that "the United States could go as high as $5,000,000 for the purchase," on which the former made no comment. Mr. Appleton, on another occasion, said to the minister that "the President thought that the acquisition would be very profitable to the States on the Pacific; that he was ready to follow it up, but wished to know in advance if Russia was ready to cede; that if she were, he would confer with his cabinet and influential members of Congress." All this was unofficial; but it was promptly communicated to the Russian government, who seem to have taken it into careful consideration. Prince Gortschakow, in a despatch which reached here early in the summer of 1860, said that "the offer was not what might have been expected; but that it merited mature reflection; that the minister of finance was about to inquire into the condition of these possessions, after which Russia would be in a condition to treat." The prince added for himself that "he was by no means satisfied personally that it would be for the interest of Russia politically to alienate these possessions; that the only consideration which could make the scales incline that way would be the prospect of great financial advantages; but that the sum of $5,000,000 does not seem in any way to represent the real value of these possessions;" and he concluded by asking the minister to tell Mr. Appleton and Senator Gwin that the sum offered was not considered "an equitable equivalent." The subject was submerged by the presidential election which was approach-

ing, and then by the rebellion. It will be observed that this attempt was at a time when politicians who believed in the perpetuity of slavery still had power. Mr. Buchanan was President, and he employed as his intermediary a well-known sympathizer with slavery, who shortly afterward became a rebel. Had Russia been willing, it is doubtful if this controlling interest would have sanctioned any acquisition too far north for slavery.

Meanwhile the rebellion was brought to an end, and peaceful enterprise was renewed, which on the Pacific coast was directed toward the Russian possessions. Our people there, wishing new facilities to obtain fish, fur, and ice, sought the intervention of the national government. The legislature of Washington Territory, in the winter of 1866, adopted a memorial to the President of the United States, entitled "in reference to the cod and other fisheries," as follows:[a]

* * * * * * *

This memorial, on its presentation to the President in February, 1866, was referred to the Secretary of State, by whom it was communicated to Mr. de Stoeckl, the Russian minister, with remarks on the importance of some early and comprehensive arrangement between the two powers in order to prevent the growth of difficulties, especially from the fisheries in that region.

Shortly afterwards another influence was felt. Mr. Cole, who had been recently elected to the Senate from California, acting in behalf of certain persons in that State, sought to obtain from the Russian government a license or franchise to gather furs in a portion of its American possessions. The charter of the Russian American Company was about to expire. This company had already underlet to the Hudson Bay Company all its franchise on the main land between 54° 40′ and Mount St. Elias; and now it was proposed that an American company, holding direct from the Russian government, should be substituted for the latter. The mighty Hudson Bay Company, with its headquarters in London, was to give way to an American company, with its headquarters in California. Among the letters on this subject addressed to Mr. Cole, and now before me, is one dated at San Francisco, April 10, 1866, in which this scheme is developed as follows:

> There is at the present time a good chance to organize a fur trading company to trade between the United States and the Russian possessions in America, and as the charter formerly granted to the Hudson Bay Company has expired this would be the opportune moment to start in. * * * * I should think that by a little management this charter could be obtained from the Russian government for ourselves, as I do not think they are very willing to renew the charter of the Hudson Bay Company, and I think they would give the preference to an American company, especially if the company should pay to the Russian government five per cent. on the gross proceeds of their transactions, and also aid in civilizing and ameliorating the condition of the Indians by employing missionaries, if required by the Russian government. For the faithful performance of the above we ask a charter for the term of twenty-five years, to be renewed for the same length of time, if the Russian government finds the company deserving; the charter to invest us with the right of trading in all the country between the British American line and the Russian archipelago. * * * * Remember, we wish for the same charter as was formerly granted to the Hudson Bay Company, and we offer in return more than they did.

Another correspondent of Mr. Cole, under date of San Francisco, 17th September, 1866, wrote as follows:

> I have talked with a man who has been on the coast and in the trade for ten years past, and he says it is much more valuable than I have supposed, and I think it very important to obtain it if possible.

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[a] For memorial see *ante* page 325.

Report of General J. C. Davis upon the transfer of Alaska to the United States.

HEAD QUARTERS MILITARY DIST. OF ALASKA,
New Archangel, A. T., Nov 12th, 1867.

MAJOR: I have the honor to submit the following official report of the expedition of United States Troops under my command, designated to occupy "Russian America;" now the Military District of Alaska: also such incidents worthy of record, as have occurred since our arrival here. The Steamer *John L. Stephens* with the Command and stores on board left the Wharf at San Francisco on the evening of the 25th of September. * * *

* * * The harbor of New Archangel was reached the 9th, but the ship was only able to get to her proper anchorage, on the morning of the 10th the following day I went ashore and called upon Prince Maksoutoff the Russian Governor and was politely received by him—during the interview I made arrangements for the landing of our animals upon one of the little Islands in the harbor. The animals were landed during the two succeeding days in small boats or flats. The troops were retained on the vessel in accordance with my instructions; patiently awaiting the coming of the Commissioners of transfer, until the morning of the 18th, when the pleasing intelligence of their safe arrival was announced throughout the harbor and town. I lost no time in calling upon the Commissioners and informing them of my readiness to take any part in the ceremonies of transfer they might desire, also, urged as much despatch in making the transfer as was compatible with their duties. It was soon decided to make the transfer the same evening (the 18th). The troops were soon and easily landed in small boats, mostly furnished and manned from the ships of War lying in the harbor. These ships were the *Ossippee*, *Ressaca* and *Jamestown;* Commanded by Captains Emmons, Bradford and McDougal. The troops were formed near the flag-staff bearing the Imperial flag of Russia, in front of the Governor's house. The Russian troops were shortly afterwards formed on the same ground at 4 o'clock P. M. the time agreed upon by the Commissioners, the Russian flag was lowered. The troops of both nations coming to a present arms, and the Artillery of both Nations firing a salute—the Americans leading off; a few minutes after, our National flag was run up and saluted in like manner, the Russians taking the lead—thus ended the ceremonies. The territory and dominion of Russian America were formally declared ours. Next came the business of designating the property which should be turned over with the territory. * * * The sailing vessel *Czarowitch* leaves for San Francisco to-day, giving us an opportunity to write. I forwarded by the *Stepens* all our monthly reports and papers due, up to the last of October.

I am very respectfully, Your Obdt. Servant,

(Signed) JEFF. C. DAVIS
Bvt. Maj. General Commanding.

Major J. P. SHERBURNE
Adjt. General Department of California,
San Francisco, Cal.

ACCOUNT OF THE TRANSFER OF ALASKA TO THE UNITED STATES.

[From the Special Correspondent of the *Alta*, San Francisco, Cal.]

SITKA, *October 18, 1867.*

EDITORS ALTA: During last night guns were heard in the distance by the sailors, and during the breakfast hour the *Ossipee* appeared in the outer harbor. At eleven o'clock she came to anchor in our midst. She had left San Francisco only two days after the *John L. Stephens*, reached Victoria in good time, and left there for Sitka the same day that our steamer left Nanaimo.

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In view of the unavoidable discomforts on shipboard, General Davis was desirous that arrangements should be made to put the soldiers in quarters on shore at the earliest practicable time. Soon after, he personally conferred with the commissioners, and they decided that the ceremony of the transfer of the Russian colonies in North America to the United States should take place at half-past three this afternoon, at the governor's house—this edifice being the capitol under the existing government.

Prince Maksoutoff, the governor, gave orders that the Russian military force, consisting of a company of one hundred men, should appear in uniform at three; and General Davis directed the military on the *John L. Stephens* to be landed in full dress at the same hour. A flag, forwarded by the State Department for this occasion, was intrusted to a "guard of honor," consisting of twenty men. The afternoon, though partially cloudy, was pleasant.

At three o'clock the Russian troops formed on the parapet in front of the governor's house, on the right of the government flag-staff, a fir mast, 100 feet high. At the same moment, our troops embarked in the launches belonging to the men-of-war, the boat of General Davis, with the flag and guard of honor, taking the lead. This movement covered the little harbor with boats, and the sheen of the muskets, the uniforms of the officers, with the dark and lofty mountains as a background, presented a novel and impressive picture. A short row, and the stars and stripes were landed for the first time on our new territory. As soon as the soldiers were all landed, General Davis, with the guard of honor, proceeded to the governor's house, the latter taking their position on the left, in front of the flag-staff. Our soldiers now filed past, and took their position on the left of the Russians, the latter presenting arms, and ours returning the salute.

The battalion of United States troops was commanded by Brevet Major C. O. Wood, of the ninth infantry; the guard of honor by Lieutenant J. E. Eastman, of the second artillery; company H, of the second artillery, was commanded by Brevet Captain J. B. McIntire; company F, of the ninth infantry, by Lieutenant M. C. Foot; Lieutenant C. P. Eagan, of the ninth infantry, and Lieutenant B. W. Livermore, second artillery, were with their respective companies. General Davis was attended by the members of his staff, Brevet Lieutenant Colonel G. H. Weeks, assistant quartermaster; Assistant Surgeon A. H. Hoff; and Lieutenant S. H. Kenney, assistant adjutant general. The Russian infantry were commanded by Captain Helrousky.

The Russian soldiery were dressed in a dark uniform, trimmed with red, with flat, glazed caps. Here, in Sitka, they are employed as day-

laborers on working days; but on holidays, which, under the Russian *régime*, number eighty-six annually, in addition to Sundays, they are frequently called out on drill, and by this means become familiar with ordinary military evolutions. The United States troops appeared in the usual full dress.

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At half-past three Prince Maksoutoff, and the commissioners, General Rousseau and Captain Pestchouroff, appeared, and taking their position near the flag-staff were saluted by the military. Captain Pestchouroff then gave the signal to lower the Russian flag. As soon as it began to move down the staff a gun thundered from the *Ossipee*, the ship of the senior officer of our squadron. A moment after it was answered by a gun from the Russian battery. These guns were fired alternately, first by us and then by them, until twenty-one guns were fired by each. When the flag had descended one-third of the distance, it caught fast upon the yardarm. One of the governor's marines ascending disengaged it, and it dropped down upon the heads of the Russian soldiers, as if seeking a home with those who were its appointed defenders. Captain Pestchouroff, turning to the American commissioner, General Rousseau, said: "By the authority of his Majesty the Emperor of all the Russias, I transfer to you, the agent of the United States, all the territory and dominion now possessed by his Majesty on the continent of America and in the adjacent islands, according to a treaty made between these two powers."

General Rousseau replied: "I accept from you, as agent of his Majesty the Emperor of all the Russias, the territory and dominion which you have transferred to me, as commissioner on the part of the United States to receive the same."

Our flag was now bent to the halliards by two American sailors, and George Lovell Rousseau, a lad of fifteen and son of General Rousseau, assisted by a midshipman, raised the "Stars and Stripes" slowly and surely to the head of the staff. A gun thundered from the Russian battery, answered by one from our ship. The firing was alternate, as before, until each had fired the national salute.

The Russian eagle had now given place to the American, and the national colors floated over a new, wide-spread territory. Our dominion now borders on a new ocean, and almost touches the old continent—Asia. Democratic institutions now extend over an area hitherto the possession of a despotic government. The occasion inspired the soul of every American present, and as the officers retired three mighty cheers were given, and we all rejoiced that we now stood on American soil.

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Report of the Hon. Hugh McCulloch, Secretary of the Treasury, on Alaska, accompanying the President's message replying to resolution of the House of Representatives on the 19th of December, 1867.

TREASURY DEPARTMENT,
February 1, 1868.

SIR: I have the honor to transmit herewith, to be communicated to the House of Representatives, in partial response to their resolution of inquiry addressed to you on the 19th of December last, of which a

copy was referred to this department by the Secretary of State on the 8th ultimo, the results of a cruise to the waters of the territory recently acquired from Russia, undertaken during the past summer by the steam revenue cutter *Lincoln*, under orders from this department. The primary object of the cruise was to afford protection to the revenue during the period of doubtful and uncertain jurisdiction between the ratification of the treaty and the formal occupation of the country. Advantage was taken of the occasion to procure information regarding the characteristics and resources of the country. A large number of specimens in the various branches of natural history have been collected which will be deposited at the Smithsonian Institution. A portion of them are already there.

Inquiries respecting the new territory have been instituted by the department in other directions, but the results of them are not yet in condition to be transmitted. They will, however, be submitted as soon as possible; it is hoped within a few weeks.

I am, sir, very respectfully, your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

His Excellency the PRESIDENT.

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TREASURY DEPARTMENT, *June 4, 1867.*

SIR: You will proceed without delay to San Francisco, and take charge of the steamer revenue cutter *Lincoln*, commanded by Captain White, which has been designated to make a voyage to Sitka, and the Russian possessions in America, lately ceded to the United States, to acquire a knowledge of the country with a view to the due protection of the revenue when it shall have become a part of the United States, and for the information of Congress and the people.

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I am, sir, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Captain W. A. HOWARD,
Revenue Cutter Service, New York City.

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UNITED STATES REVENUE STEAMER LINCOLN.

SIR: I respectfully continue my report carried forward to 23d September [1867].[a] In daily, in fact, hourly, expectation of the arrival of the commissioners and treasury agent with instructions for me, I remained very impatiently until 8th October, when I got under way and proceeded to Redoubt, said to be an excellent harbor and a very superior fishing station, east of this port.

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Knowing the *Ossipee* was a very slow steamer, I determined to proceed at once to Chilcate, the head of Chatham straits, mouth of Chilcate

[a] For complete report, see House Executive Document. No. 177, Fortieth Congress, Second Session, p. 195, *et seq.*

river, held by the most powerful tribe, and perhaps the most warlike and troublesome on the coast, (this was also the terminus of the Hudson Bay Company's trading in Russian possessions north,) hoping to return in time to receive the commissioner and assist in the ceremonies of hoisting the flag of the United States.

On the 13th October blowing hard, with rain. We got under way and proceeded towards Peril straits, en route for Chilcate. At 7 p. m., being very dark and stormy, anchored in a narrow passage in six (6) fathoms of water, good holding ground. On the morning of the 14th pleasant weather; passed through Peril straits and anchored at the entrance of Chatham sound. Meeting a canoe, I sent a message to the chief, living not far distant, to meet me at our anchorage that night, which he did. I found him one of the most sensible and considerate Indians I had ever met. I entertained him in my cabin, explaining to him that the Bostons (Americans) had purchased the country from Russia, showed him the flag, which he promised to respect and protect. He said, "Perhaps better for Indians; perhaps not." The Russians had always been good friends, and the King George men (English) had at stated times sent ships to trade with them for furs, supplying them with powder, ball, blankets, and shirts. Would we do the same? On my assurance that we would, he was satisfied. He had brought in his canoe some potatoes for sale. He wished to know if the Boston chief would accept them to eat, but if too small for him (me) would he accept them for the crew? I, of course, could not refuse them. On his departure he thanked me for the "good talk," would tell his people to be friends with the Bostons. I made him a present of some tobacco, powder and lead for his rifle; he left well satisfied, promising to watch for the ship on returning and bring some deer, which he did.

* * * * * * *

At 6 a. m. barometer 29° 10′, thick and raining; up anchor and stood into and up Chatham sound towards Chilcate; found the English and Russian charts all wrong per compass and otherwise. We steered from point to point as they came in view, and at 3 p. m. anchored where we supposed Chilcate was or should be. Soon appeared ten or twelve canoes and came alongside; permitted some of the Indians to come on board. I was informed by a small chief they were at war with their own head chief, who was up the river at the main village, twelve hours' paddle. I would not treat with him as head chief, as he desired, but explained to him the fact of the purchase of the country, &c., &c. I made him, however, suitable presents of tobacco, bread and molasses, but no liquor, very much to his disgust. He left with his party not quite well pleased with their *gains*. I had contrived to get a runner, unknown to this chief, to inform the head chief of our arrival, and invite him to a talk.

This being an important point for the coast survey, preparations were made on a small island, (God's island,) near the ship, for a set of sights; the latter part of the night being propitious, some good ones were obtained.

Next morning, 17th October, blowing too fresh to send a boat from the ship; towards noon, however, it died out; I sounded round God's island; found good anchorage and shelter.

At 1.30 five large war canoes came alongside, one with the Hudson Bay Company's flag flying, and *Jack*, pilot and interpreter in full uniform of an English officer, came on board. The head chief soon

ıse growth of large spruce and cedar. The dimensions of this semblage of islands averages about seventy-five miles east and west, d two hundred and sixty-five miles north-northwest and south-utheast, divided by numerous navigable passages, one of which, ıamed by Vancouver Chatham straits, stretches in a strait line one undred and ninety-five miles nearly north-northwest from Cape)minaney, in latitude 56° 10′, to the mouth of the Chilkaht, in lati-ude 59° 14′, with an average width of seven or eight miles, and great depth of water. * * *

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FUR-BEARING ANIMALS.

Of the number and value of the different varieties of skins obtained from the Indians by the Russian American Company, it is impossible to form an opinion, as the very existence of their trade depended upon the secrecy with which it was conducted. That the company has been able to maintain a large establishment in persons and material is strong circumstantial proof of the value of the trade. The almost absurdly small amount of trading articles paid to the Indians for their most valuable skins is so marvellously low that it would astonish those who have to pay such enormous prices for the manufactured furs in our large cities. The company itself must realize over a thousand per cent. upon the first cost of the skins, and then the Coast Indians are not engaged solely in hunting, but act as intertraders between the company's agents and the interior Indians, who are never permitted to visit the coast. The Hudson Bay Company has had a purchased right to trade in certain localities on this coast, and their traders have availed themselves to the uttermost to obtain the greatest possible supplies. From the mouth of the Chilkaht alone they took this year over twenty-three hundred martens or Hudson bay sables.

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DETAILED DESCRIPTION OF CAPES, BAYS, HARBORS, ISLANDS, &C.

It would be almost impossible within reasonable limits, and certainly beyond the labor of one person in the time allowed, to give a detailed description of the great numbers of known harbors and anchorages, rocks, islands, and points that abound in the Alexander archipelago. Indeed so numerous are they that many of them are yet unexplored or known only in general characteristics to the trader. From Icy strait and the mouth of the Chilkaht to the head of Puget sound this great labyrinth of waters stands unequalled in the world for safe and bold inland navigation. * * *

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PORTLAND CANAL.

This extensive arm of Dixon sound forms the southeastern dividing line between British Columbia and Alaska; commences in latitude 54° 41′ according to Vancouver's map, and the entrance lies between Point Maskelyne, on the mainland near Fort Simpson, and Point Wales upon an island lying northwest from Point Maskelyne. Vancouver the latter in latitude 54° 42½′, longitude 150° 15′ west, (vol. ... position of Point Wales from the map is in 54° 4...

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC
AND DEPARTMENT OF CALIFORNIA,
GENERAL ORDERS, } *San Francisco, Cal., April 23, 1877.*
No. 1.

1. The following is published for the information of all concerned:

WAR DEPARTMENT,
Washington City, April 10, 1877.

Gen. WILLIAM T. SHERMAN, *Commanding U. S. Army.*

GENERAL: By direction of the President, the United States troops now in garrison at certain posts in the Territory of Alaska will be withdrawn upon the arrival of the revenue cutter now fitting out under the control of the Treasury Department, and which is expected to arrive in Alaskan waters about the 15th of May. So much of the public property in charge of the military officers as can not be removed will be turned over to the captain of the revenue cutter, or such other official of the Treasury Department as may be designated, of which due notice will be given you, and upon the departure of the troops all control of the military department over affairs in Alaska will cease.

The troops will be ordered to such posts in the military division of the Pacific as the commanding general, with your approval, may designate.

Very respectfully, your obedient servant,

GEORGE W. MCCRARY,
Secretary of War.

The first revenue cutter sent to Alaska under this agreement was the *Richard Rush*, which was subsequently followed by the *Thomas Corwin*, and later on by the *Oliver Wolcott*.

Appended hereto are extracts from the official correspondence and records of this Department, relating to the operations of the military authorities in the Territory, and especially those connected with the Indians on the mainland of southeastern Alaska.

Respectfully submitted.

H. C. CORBIN,
Major-General,
Adjutant-General, U. S. Army.

Instructions to Lieut. Col. Robert. N. Scott.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., September 3, 1867.

Brevet Lieut. Col. R. N. SCOTT,
U. S. Army, Aid-de-Camp, etc.

COLONEL: After completing your inspection duties at San Juan Island, you will proceed to Victoria and New Westminster, and collect such information as you can obtain in regard to the tribe of Indians on and near the boundary between British Columbia and the Russian-American possessions recently ceded to us—their number

your telegram of September 30, I have visited Victoria, New Westminster, and Fort Simpson, British Columbia, and, for reasons appearing hereafter, I extended my journey to the north side of Portland Channel—in our new territory.

Inclosure marked "A" exhibits the numbers and location of the Indians on and near the boundary between British Columbia and the Russian-American possessions recently ceded to the United States. For this information I am mainly indebted to Mr. Cunningham (the Hudson Bay Company's agent on Naas River), whom I met at Fort Simpson.

The total number of British Indians on and near the boundary may safely be estimated at 6,800. The American tribes on and near the same line number 2,000 souls. As a rule these Indians—bound together by trading interests and family connections—are friendly to each other. They are also generally well disposed toward the whites, whether "Bostons" or "King George men." The Indians understand perfectly well that it is for their interest to have competition for the furs, skins, fish, etc., which they offer for sale or barter. These articles command much higher prices since the Hudson Bay Company's monopoly expired. The officers of that corporation complain that their business has been very much injured by outside traders, who are generally Americans, and assign as a reason that it is only from such parties that the Indians can buy liquor. There is no doubt much force in this reasoning, but American enterprise has quite as much to do with the success of these traders as American whisky.

The Kakes, Stikeens, Hydahs, Chimpsains, Tongass, Cape Fox, and other tribes congregate on Portland Channel and the Naas River to trade with each other and with the whites. The liquor trade being generally carried on within what is now our boundary.

Inclosure marked "B" exhibits the number and location of the Indians living on the islands east and south of Sitka, and on the mainland from Cape Spencer to Portland Channel.

I do not apprehend that the Indians in British Columbia would offer any obstacle to the settlement by our people of the islands and mainland east and to the southward of Sitka. Difficulties will, however, in all probability, arise between the whites and our own Indians. These tribes live along the shores of the various bays, rivers, and inlets. To keep them in subjection will require either the interposition of the Navy, manifested by one or more light-draft gunboats paying periodical visits to the various villages, and inflicting summary punishment when necessary, or the constant employment of an armed quartermaster's steamer, which could probably perform such duty while transporting supplies from post to post. I respectfully recommend that a show of military power be made at the earliest practicable moment to the Kakes, Hunnos, Chilcats, and Hoods na hoos. This special service might easily be performed by the Navy.

Upon the question of establishing a military post at or near the mouth of Stikine River, I feel some hesitation in expressing an opinion —not being able by personal examination to ascertain the disposition or exact location on the river, of those Indians. There are about thirteen whites on the river, at a mining village called Shakesville, about 135 miles above the mouth; thus far they have had no serious trouble with the Indians. The river is navigable for light-draft steamboats for at least 150 miles, and for canoes much farther. It is an

Dr. Tohnie were much more satisfactory, and he has promised an early answer to my note, copy of which is inclosed, marked "E." His opinions are entitled to great consideration from the fact that he has spent a long life among savage tribes, and has been for many years an eyewitness of the results of the policy pursued by our own Government toward the Indians in Oregon and Washington Territory.

Stress of weather prevented my visiting the trading and missionary establishment at Met-la-kaht-la, as advised by Governor Seymour, but I wrote to Mr. Duncan from Bella Bella, and hope to receive an answer within a month. (Inclosure F.)

From such information as I have been able to obtain I have no hesitation in attributing the great success attendant, for so many years, upon the Indian policy of the Hudson Bay Company and Her Majesty's colonial officers to the following facts:

The savages are treated justly, receiving protection in life and property from the laws which they are forced to obey.

There is no Indian bureau with attendant complications.

There is no pretended recognition of the Indian's title in fee simple to the lands on which he rounds for fish and game.

Intoxicating liquors were not introduced among those people so long as the Hudson Bay Company possessed the monopoly of trade.

Prompt punishment follows the perpetration of crime, and from time to time the presence of a gunboat serves to remind the savages along the coast of the power of their masters.

Not more than two years ago the Fort Rupert Indians were severely punished for refusing to deliver certain animals demanded by the civil magistrate. Their village was bombarded and completely destroyed by H. B. M. gunboat *Clio*.

As the result of such policy we find trading posts—well stocked with everything tempting to savage cupidity—safely conducted by one or two whites, among distant and powerful tribes. There is not a regular soldier in all British Columbia (excepting marines on shipboard and at Esquimalt), and yet white men travel through the length and breadth of that province in almost absolute security; yet the total number of Indians in the colony is estimated at 40,000, and there are not more than 8,000 whites.

Dr. Tohnie informed me that Captain Howard, of our revenue service, had stated in Victoria that no one would be allowed to sell arms or ammunition to the Indians in our territory. This policy, provided it could be carried out, would simply deprive these people of the means of gaining a livelihood. They must have guns, not only to get food but to secure the furs, skins, etc., of the Northwest trade. But these Indians will get arms and ammunition. If our own traders are prohibited from furnishing them, they can and will get them from British Columbia; and in this event they would naturally look upon the British as their best friends. The consequences of such a state of feeling as affecting our trade and intercourse with them may readily be imagined.

Inasmuch as most of our trading intercourse with Alaska will be by small vessels running through what is called the "Inside Passage"—along coast of British Columbia—I deemed it advisable to collect such information as could be obtained in reference to Indians living on and near that route. (See inclosure G.)

negotiations of that kind, or attempt to bind our Government to any contracts or agreements, without special authority, and under special instructions.

18. In regard to the tribal and uncivilized Indians on Barranoff Island and the adjacent islands and coast, you will exercise the most careful vigilance, as these natives are known to be both warlike and treacherous. You will consult with the Russian governor and other officers in regard to regulating their intercourse with the post and settlement of Sitka, and you will strictly enforce, both with regard to the whites and the natives, such regulations as you may deem necessary to adopt with regard to these Indians and their intercourse with our people.

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Very respectfully, your obedient servant,

H. W. HALLECK,
Major-General, Commanding.

REPORTS FROM GENERAL DAVIS.

HEADQUARTERS DEPARTMENT OF ALASKA,
Sitka, Alaska, May 27, 1868.

Bvt. Maj. Gen. J. B. FRY,
Assistant Adjutant-General, Military Division Pacific.

GENERAL:

* * * * * * *

The Indians from all parts of the department, as far as I have been able to learn, seem to be quiet and disposed to be friendly. I have not been able to visit any of the tribes for want of transportation. Chiefs from many of the tribes have been here to see me and express themselves very anxious to have me visit them "with a big ship." I promised them to do so as soon as possible.

The Chilcot chiefs from Chatham Straits visited here about two weeks ago, and made many apologies for their past conduct toward the whites. They insisted on my coming to see them, in order that they might convince me of their sincere desire to cultivate friendly relations. To my proposition to establish a post of troops among them, however, they hesitated for some time, but finally told me they would consult with their people and return to see me in one moon and a half. This visit I shall expect in about one month from this time. The Chilcots are the most formidable and hostile Indians, probably, in Alaska. They carry on trade with the tribes living on the Upper Yukon, and are reported to be very wealthy Indians. They have thus far persistently resisted all attempts of the whites to locate among them. I can learn of no expeditions having been made up the Chilcot River by the whites, yet it is the most direct, and I think the most practicable, route to the Yukon. Should the other company of the Ninth Infantry, alluded to in a former communication from division headquarters as likely to be ordered to this department, be sent, I would recommend that it and one of the companies at this place be sent to Lynn Channel and a post established there.

The Taku chiefs have been here recently, and express a desire

U. S. S. SAGINAW (FOURTH RATE),
Sitka, January 7, 1869.

Rear-Admiral T. T. CRAVEN,
Commanding North Pacific Squadron.

SIR: Since my last letter I have the following to report:

On New Year's night a difficulty took place on shore between the guard and some Chilcat Indians headed by their chief. One soldier and two Indians were dangerously wounded.

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The next day the Chilcat chief was captured and is in the guard-house.

* * * * * * *

I think there will be no further trouble unless General Davis releases the Chilcat chief, when I look for trouble with that tribe. Their villages are remote from the sea, and men-of-war can not get near enough to shell them. The tribes are the most numerous and warlike in this region and their chief is a person of great influence over them.

* * * * * * *

RICHARD W. MEADE, Jr.,
Commanding.

U. S. S. SAGINAW (FOURTH RATE),
Sitka, Alaska, February 1, 1869.

Rear-Admiral T. T. CRAVEN, *U. S. Navy,*
Commanding North Pacific Squadron.

SIR: I left this port on the 13th of last month, for a cruise to the northward, and returned here yesterday, having visited the following places: Souloy Bay in Peril Straits, Koteosok Harbor* on Admiralty Island, Mitchell's Bay* in Kootznaboo Archipelago, Freshwater Bay on Tschitchagoff Island, William Henry Bay in Lynn Channel and Pyramid Harbor* at the mouth of the Schillcat River. The position of the last-named place is lat. 59° 15′ N., long. 135° 34′ W., and it is the head of navigation for vessels drawing over 10 feet water. I found the natives friendly. The harbors marked with an asterisk (*) were named during the cruise. The charts of this region are very imperfect, and numerous points, bays and islands are without designation. In fact the country is practically unexplored.

I caused plans of all the above places to be made (except Souloy Bay, where we merely anchored for the night) and will send tracings and sailing directions to you by the first opportunity.

* * * * * * *

Very respectfully,

RICHARD W. MEADE, Jr.,
Commanding U. S. S. Saginaw.

No. 34.] FLAGSHIP SARANAC, OFF CHILCAT VILLAGE,
HEADWATERS OF THE INLAND NAVIGATION, ALASKA,
July 31, 1873.

SIR: I have the honor to inform the Department of our departure from Esquimault, British Columbia, on the 16th instant, and of our arrival here on the 30th.

* * * * * * *

I have availed myself of every opportunity en route, to have a friendly talk with the Alaska Indians, several of whom, with their chiefs, have visited the ship, and appeared to be impressed with the importance of being on good terms with us.[a]

The fact that our vessels of war can reach many of their principal villages and fisheries, and interrupt trading by water, their only means of communication, has doubtless had its effect.

It is desirable that these waters should be visited more frequently than they have been for some time past, and as the *Saranac* is the only vessel under my command, at all suitable for such cruising, I would recommend that a small steamer of light draft be attached to this squadron for that purpose. Such a vessel judicially managed, would not only keep the Indians quiet, but would afford her officers an opportunity of obtaining valuable hydrographic information now so much needed.

* * * * * * *

Very respectfully, your obedient servant,

A. M. PENNOCK,
Rear-Admiral, Commanding U. S. Naval Force on North Pacific Station.

Hon. GEO. M. ROBESON,
Secretary of the Navy.

No. 36.] FLAGSHIP SARANAC,
Port Townsend, August 31, 1873.

SIR:

* * * * * * *

For some years past there has been bad blood between the Stickine and Chilcat tribes. When at Etolin Harbor, the Stickine chief solicited my good offices in bringing about a reconciliation. Having talked the matter over with the chief of the Chilcats on my recent visit to his village, I found him ready to bury the hatchet. Subsequently, a delegation of chiefs requested the commander of this ship, Captain Phelps, on his return to Etolin, to announce their coming for the amicable settlement of all their difficulties.

* * * * * * *

Very respectfully, your obedient servant,

A. M. PENNOCK,
Rear-Admiral, Commanding U. S. Naval Force on North Pacific Station.

Hon. GEO. M. ROBESON,
Secretary of the Navy, Washington, D. C.

Capt. L. A. Beardslee to the Secretary of the Navy.

NAVY DEPARTMENT,
Washington, D. C., April 28, 1881.

SIR: I have the honor to submit herewith a report prepared by me in obedience to the orders of the Department, dated November 17, 1879,

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[a] See log U. S. flagship *Saranac* of July 31, 1873; also letter of Rear-Admiral H. C. Taylor, U. S. Navy, to the Secretary of the Navy, of April 6, 1903, *post* pages 396 and 407.

in which I am instructed to prepare a report of my operations while in command of the U. S. S. *Jamestown*, stationed at Sitka, Alaska, which order was subsequently modified by verbal instructions to include in the report such information in regard to Alaska as I had obtained during my command.

I have therefore added papers treating on the character of the country and of its inhabitants, its resources, and meteorological phenomena. The collation and arrangement of the data on this subject, although embraced in twenty pages, has occupied a large proportion of the time since I was assigned to the duty.

I most respectfully submit, in connection with this report, the accompanying copies of letters from the honorable Secretary of the Navy, R. W. Thompson, and the chief of the Bureau of Navigation.

I am, very respectfully,

L. A. BEARDSLEE,
Captain, U. S. Navy.

Hon. WM. H. HUNT,
Secretary of the Navy.

The Secretary of the Navy to Captain Beardslee.

NAVY DEPARTMENT,
Washington, November 30, 1880.

SIR: The Department omitted, at the time of your detachment from the command of the *Jamestown*, to express its approbation of your course regarding matters in Alaska. The condition of that Territory was such that the presence of a war vessel would have been of little use without a commanding officer of rare judgment and discretion.

Your course while in command met with the entire approbation of the Department, and tended to restore order and preserve peace. The condition of the people of all classes in that country, where no law existed, was much improved by the measures adopted by you, and much that you did was the result of your good judgment, as you were required to act promptly and without the advantage of advice or instructions from the Department.

Your successor in command commends the admirable condition in which he found affairs in Alaska, and attributes it to the wise course pursued by you.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Commander L. A. BEARDSLEE, *U. S. Navy, Washington.*

Report of Captain Beardslee.

The *Jamestown* was placed in commission at the Mare Island yard on the 8th of May, 1879.

It being considered important that she should reach her station as quickly as possible, she was very hurriedly fitted out, and sailed for Alaska on the 22d of May.

The Department's instructions to the commanding officer were partially as follows: "Proceed to Sitka, Alaska, and relieve the U. S. S. *Alaska*. Communicate from time to time, as opportunity offers, with the Department as to affairs in the Territory, looking out for the interests of citizens of the United States, and rendering them such protection as may be required;" to "make such soundings and hydrographic examination as the nature of the route and existing charts will sug-

gest;" and "while at the station to execute surveys and examinations of harbors, islands, shoals, etc., as far as the nature of the service and available means will permit."

I had received, also, verbal instructions from the honorable Secretary of the Navy, given on the eve of my departure from Washington, to assume the command, which in general terms were that I should study the situation of affairs in that Territory, and use my utmost endeavors to restore and establish permanently harmonious relations between the white settlers and the native Indians of the Territory, to which end I was authorized (there being no governing power or code of laws in existence in the Territory) to use my own discretion in all emergencies that might arise.

* * * * * * *

It had been made my duty to restore harmonious relations between the whites and Indians of southeast Alaska, and the steps taken to this end, in the preliminary effort to establish harmony among the whites themselves, have been detailed.

My position in regard to the Indians would have been very complicated had I made effort to control them in accordance with the provisions of the Revised Statutes bearing upon Indian affairs, for nearly all of the sections presuppose a very different condition of affairs than prevailed in Alaska.

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From these I deduced—

First. The United States had exclusive jurisdiction over Alaska.

Second. As the senior Government official present, it was my duty to maintain this jurisdiction.

* * * * * * *

OPENING OF THE CHILKAT AND CHILKOOT COUNTRY TO THE WHITES.

In September, 1879, certain events took place among the Indians, which were duly reported in my October dispatch, but which have been omitted from their chronological position in this report, because, although apparently at the time of slight importance, they proved to be the starting point of the most valuable results which sprung from our intercourse with the Indians, namely, the removal by the chiefs of the Chilkat and Chilkoot tribes of all prohibition to the white men from entering their territory, which prohibition had been always strictly maintained; and the bringing of these tribes and the Hoonah Indians into a most friendly intercourse with the whites.

These events were reported as follows, in my dispatch dated October 5, 1879:

> The month of September has been marked by perfect freedom from drunkenness, fighting, or disorder of any kind in the Indian ranch.
>
> A great number of Indians have returned from hunting, etc., and the ranch is no longer deserted, but the returns have ceased to be celebrated by pot-a-latches; the Indians throng the white settlement, but there is no disturbances. The residents state that there has never been so quiet a month. When we first arrived every night was made hideous by drunken orgies and many fights. I have not had cause to even censure an Indian since the raid made by themselves upon the cannery ranches.
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> * * * * * * *
>
> I attribute the change to the influence of the Indians in our employ. * * * There has been an unusually exciting cause for sprees: About the 25th of September news was brought by Indian canoes that there had been a big fight up in the

Chilkhat country, between two families of the Chilkhats, viz, the Klockwatories (warriors) and the Onochtades, and that the chief of the former, Klotz-kutch (who is head chief of the tribe), was seriously wounded, and that a number on both sides had been killed; the inciting cause having been a barrel of molasses with which Klotz-kutch had given a pot-a-latch.

There are quite a number of Chilkhats living in Sitka, among whom is Dick, one of my policemen, who is a nephew of Klotz-kutch, and a very intelligent Indian, speaking considerable English and reading and writing a little.

He, assisted by the other policemen and "Sitka Jack," restrained the usual drunk which takes place on such excitements, and except that for a couple of days the miners could obtain no packers (they having all come into town to a caucus), no untoward event occurred.

They have organized an expedition to visit the scene of contemplated trouble, and on the 3d of October three canoe loads, about 30 Indians in all, started for the Chilkhat country (up Chatham Straits). If this vessel were a steamer, I should have gone too, for these Indian wars are almost interminable and will do much to hazard American interests here. I did the next best thing in my power; judging that the influence of such men as Sitka Jack, Dick, Stickeesh, and others, who knew us and could explain to those who did not the value of white friendship and danger of the opposite, would be very powerful, I resolved to secure it for our side, so helped to fit out the expedition, furnishing them with flags, provisions, etc., and receiving from them the promise that they would do their best to prevent trouble.

The party, over whom I hoped through the leaders I had appointed to exercise some control, were directed to report to Klotz-Kutch, and say that I had sent them to help him keep his people in order, and that in return I expected him to always use his influence to secure good treatment to any white men who should come to his country to trade, and that I would be pleased if he would let white miners go into the interior to prospect the country for precious metals, which, if found, would enrich the Indians also. This privilege had never been accorded, the Indians (Chilkhats) fearing that the whites would interfere with the trade with the Stich Indians who live in the interior, and whose trade the coast Indians monopolize. The Chilkhats were estimated as from two to four thousand in number, and considered the most warlike of all the tribes. The country was reported to be rich in minerals, and the miners were very desirous of penetrating it, and it seemed more than likely that, sooner or later, bodies of them would undertake to force their way in, in which case serious troubles would probably have occurred.

On the 12th of February, 1880, Dick, Stickeesh, and most of the party returned, Sitka Jack, with the remainder, having stopped at Swansons Harbor, in Cross Sound, where he has a village at which he dwells in summer. Stickeesh was much broken down by inflammatory rheumatism, contracted during the voyage down, which sickness gave rise to the case of witchcraft reported. They brought an invitation from Klotz-Kutch for the white miners to come, and promises of welcome, and thanks to me. This invitation I extended to the miners, of whom there were a number in town deterred from work on Baranoff Island by the great amount of snow still remaining on the mountains, the fall during the previous winter being unprecedented in amount. These men were ready to undertake such an expedition, and were of such characters as were best adapted. The project was freely discussed, meetings held, and an expedition to the Chilkhat country organized, and for the ensuing two months Sitka was quite lively with the preparations for the expedition.

Several boats were built, some from timber which was growing in the forest when the idea was conceived, and in May the party of pioneers were ready to start.

On the evening of the 11th of May a public meeting was held, and a full understanding between the miners and myself arrived at.

* * * * * * *

I agreed to furnish them with escort and letters of introduction.

The second launch was fitted for the trip by removing her boiler, engine, etc., and Lieut. E. P. McClellan assigned to the duty of escort. He was provided with the following letter to the Chilkhat chiefs, apparently an unnecessary move, as they neither read nor write, but really one of importance, as the Indians have a superstitious respect for written words, and there were with the expedition capable interpreters:

U. S. S. JAMESTOWN,
Off Sitka, May 20, 1880.

To the Chiefs of the Chilkhats, Klotz-Kutch and Elquesah.

CHIEFS: You have sent to me through Skeenga-Stocheen and Stickeesh, Indians in whom you and I place confidence, an invitation to the white men to come and prospect your country, and have promised to be their friends. The men who now come are those I have invited in your name. I feel sure from what I know of the bravery and honesty of the Chilkhats that you will keep those promises; therefore I send them, and the Great Father at Washington will be greatly pleased to hear that they have gone, and more pleased to hear next fall that you have all remained friends.

The officer who delivers this acts as my representative.

L. A. BEARDSLEE,
Commander, U. S. N., and Senior Representative of the Government.

The following instructions were given to Lieutenant McClellan, and on the morning of the 20th of May the expedition, consisting of five sailboats carrying nineteen miners and their help, and our launch, started under sail:

U. S. S. JAMESTOWN (THIRD RATE),
Off Sitka, May 20, 1880.

SIR: You will proceed in command of the second launch of this ship, and in company with a number of boats carrying miners and prospectors, a list of whom is herewith furnished to you, to the Chilkhat village, for purpose hereinafter specified. In starting from this place you will so arrange that you will be able to get through the rapids in Peril Straits before dark. On the eastern side of said rapids you will find a good harbor. Mr. George Cozian will accompany you as pilot. I have great confidence in his knowledge of the dangers of the inland waters. He will also act as Russian interpreter.

Passed Asst. Surg. N. M. Ferrabee, U. S. Navy, Ensign N. R. Usher, U. S. Navy, and Midshipman Woodworth are ordered to report to you for duty upon this expedition.

Your crew will consist of 13 sailors of this ship, and Indians Dick and Shukoff. Your boat will be armed with the Gatling gun, and small arms for each person. You will, under sail or oar, keep company with the boats of the miners, unless you find their progress so slow as to greatly retard you, in which case you will push ahead and make the best of your way under canvas or oar, as shall be most expedient. You will use your own judgment as to anchoring for the night, tide, or weather. The miners have, as per agreement—a copy of which is furnished you—promised obedience to your orders and instructions, and have elected Edmund Bean as their captain, with whom you will confer. On reaching the Chilkhat village, you will allow no one to land until permitted by yourself; and will, through an officer and Indian Dick, arrange with the Chilkhat chiefs for an interview as soon as possible. If for any reason this interview is delayed, you will obtain permission for the landing of such persons as may so wish, cautioning all persons obtaining such permission to commit no acts which will tend to create difficulties.

At this interview you and such officers as may accompany you will wear uniform and side arms. During this interview, and at all times, the boat must be left in charge of an officer and sufficient force to guard it. The nature of this interview will be as follows: Say to them that last fall, when Klotz-Kutch was wounded, I sent with a party of Indians who wished to come to help him, Dick, his nephew, in whom both he and I have confidence; I also instructed Sitlsa Jack and Stickeesh to talk with the Indians and advise them to stop drinking hoo-che-noo and fighting.

That when these men came back, they informed me that the Chilkhat chiefs invited the white men to come among them and prospect their country, and promised them welcome and assistance. This invitation and promise I have given in their name to the miners, and they now come in consequence. Tell them that had they not sent this invitation these people would not have come, therefore they must treat them as guests; and that all the miners have promised me to live peaceably and friendly with the Indians. Act throughout on the assumption that you have no doubt as to their keeping their promise. If, however, it becomes manifest that they will not do so, inform them that you will return and report to the Government their failure to keep their word, and that in future no Chilkhat Indian will be allowed to land at Sitka for trade or other purposes; that I will not give those who are here employment. You will then notify the miners of the failure of the mission, and request them to return with you, informing them that any or all who fail so to do forfeit their claim to your protection, and act entirely upon their own responsibility.

After the completion of the business with the chiefs, you will return to this ship, making, en route, such stops at any ranch of importance as your time will permit, explaining at each to the people the object of your so doing, which will be to assure them of the friendliness of the whites to them, and to caution them against committing at any time any aggressive act against white men, warning them of the probable consequences. Should your voyage to the Chilkhat village and return to the eastern mouth of the Peril Straits have been accomplished in fifteen days or less, say by June 1, you will visit the Kootznoo settlement on Admiralty Island, and there arrange for and hold interview with the chiefs, at which you will express to them strongly the disapprobation of the Government in regard to the recent fight between themselves and the Stickiene (Stahkine) Indians at Wrangell. Make it plain to them that Wrangell is a town belonging to the United States, and that no fight between Indian tribes can be permitted in its vicinity. Tell them that it has been reported to me that they intend to return to Wrangell to renew the trouble, and that if they so do they will be punished. That for what has already occurred no penalty will be exacted—assigning as your reason your knowledge that by Indian customs they had suffered a grievance which neither you nor the Government you represent approved. Obtain from them a promise to refrain from future hostilities, and return to the ship. These instructions are based upon the assumption that the results of your interview with the Chilkhat chiefs are satisfactory. Should, however, they refuse to grant the privilege requested, you will, after exhausting all amicable means, return as already directed.

I leave to your own judgment the explanation to the various tribes of the advantages which will accrue to them by the presence of the whites. Make, however, no promises. Unless unavoidably delayed (in which case endeavor to communicate with me by canoe, promising payment by me from $10 to $30, according to the distance), return to this ship by the 1st day of June, at the farthest, and as much earlier as possible. Keep a full journal of the events of this expedition, obtaining all useful information possible. I have invited Mr. Marcus Baker, of the Coast Survey, to accompany you. He will assist you in every branch of science. Wishing you a pleasant and profitable trip, and that the results will be the opening of the interior of the country to the whites.

I am, very respectfully,

L. A. BEARDSLEE,
Commander, Commanding.

Lieut. E. P. MCCLELLAN, *U. S. Navy.*

The launch returned to the ship on the 5th of June, and the report of Lieutenant McClellan indicated that the result was a success, and that the Chilkhat country was now fairly opened to the whites.

* * * * * * *

The Chilkhat chief, Klotz-Kutch, had in this connection shown such evident good faith and character that I considered that I could, with propriety, break through a rule which had hitherto guided my actions, which was to in no case give any presents to the Indians when I wanted anything of them, considering that such action tended to increase their ideas of their own importance, and lead them to think that the whites alone were benefited by such changes as were made. I, therefore, sent him a present which, upon my subsequent meeting with him, I found was highly appreciated, and with it the following letter:

UNITED STATES WAR SHIP JAMESTOWN,
Off Sitka, June 10, 1880.

CHIEF: The Great Father in Washington, who is father of the Alaska Indians and the white men, will be greatly pleased when he receives the letter which I have sent, telling him of the good conduct of the chiefs of the Chilkhats, and that they have become so wise that they can see that it is best to be friends with the white men, through whom the Indians will be able to make money by selling all of their furs, oil, and other things, and who will bring them things which they need and can not make themselves.

I am glad that you kept your promises, and I felt sure that you would. Brave men of all colors are alike; they will not lie.

I send you a present of a valuable pipe and some American tobacco. Keep the pipe as long as you live, then give it to the next chief, to be used always as a pipe of peace, and smoked when you hold pow-wow with your white friends. Teach all of the Indians that Mr. Vanderbilt is their friend, and that if they treat him well other steamers besides the *Favorite* will come to trade with them, and that if bad Indians should trouble him or his steamboat, the Government will be angry.

Your friend,

L. A. BEARDSLEE,
Commander, U. S. Navy.

To KLOTZ-KUTCH,
Chief of Chilkhats.

On the return Lieutenant McClellan stopped, as instructed, at Kootznoo, on Admiralty Island, and made it clear to the Indians that they would be punished if they resumed the war with the Stahkines at Wrangell. In promising to refrain, the Kootznoos requested permission to whip the Stahkines if they came to their neighborhood, which request was granted.

* * * * * * *

On the 28th of June Aunahootz returned from a trip to Taku, to which place I had sent him a month before to check a war impending there, he having great influence with the Takus, with whom he is connected. He brought word that all was quiet.

During July a trader named Errassan made a trading trip to Chilkhat, and on return reported good treatment. And during the same month a miner named Willoughby, who, having seen the ores brought by the Hoonahs in March, had accompanied them on their return home, arrived in Sitka, and stated that he had been well treated by the Indians during a two months' stay among them. He reported that frequently he heard them, while conversing, speak of the *Jamestown;* and Errassan reported the same; and it was thus evident that the influence of the ship extended a long way beyond the range of her guns.

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The steamer *Favorite* arrived a few days after, bringing as a passenger from Chilkhat one of the miners who had belonged to the pioneer party, who reported to me that the Chilkhat and Chilkhoot Indians were very much incensed by the action of two men who, not originally members of the party, had joined it subsequently, and, not being bound by the pledge given by the others, had undertaken to trade with the Stick Indians.

These men had been with the pioneers long enough to be identified with them by the Indians, who were impressed with the idea that the whites had been guilty of bad faith.

This man brought me a message from Klotz-Kutch, begging that I would send or come and take these men away, for he was afraid they would be killed.

* * * * * * *

The receipt of this information caused me to decide that it was my duty to go to this place at once, and not await the instructions of the Department, which I could not receive in less than a month, even were I to telegraph full particulars.

Our steam launches were not suitable, and I therefore made partial arrangements with Captain Vanderbilt to take myself and party to Hoonah, Chilkhat, and Kootznoo, hoping at the latter place to keep smothered the embers of war between the Stahkines and Kootznoos.

The *Favorite* was not available until after the arrival of the mail steamer *California*, which came in on the 10th day of August. She brought as passengers Justice Deady, of the United States court at Oregon, and Maj. William Gouverneur Morris, special agent of the Treasury Department.

I submitted to the latter all of the information I had obtained as to the troubles already described; also as to certain illegal traffic in fire-arms and liquor which had been reported to me as occurring at various places in the northern country.

* * * * * * *

In pursuance of the arrangements made between Major Morris, as representative of the Treasury, and myself, as senior naval officer, the proposed trip was made, and its objects and results reported to the Navy Department in the following dispatch:

U. S. S. JAMESTOWN, *Sitka, September 1, 1880.*

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.

SIR: In compliance with the request of special agent of the Treasury Department, William Gouverneur Morris, which request was based upon information given to him by me, as reported in my letter of August 11, as to many violations of the revenue laws, and intrusion upon our waters of English Indians, hunting sea otter, I have during the month of August accompanied him, with an escort of officers and men, upon a tour among the most prominent Indian tribes who inhabit the inland coasts of Alaska.

Our trip was made in the steamer *Favorite*, belonging to the Northwest Trading Company, and beginning on the 14th day of August, extended over fourteen days, we arriving in Sitka on the 28th ultimo.

The objects of the trip were, first, to visit the Hoonah villages in Cross Sound, and to there take steps to prevent a threatened war between the Hoonahs and the British Columbia Indians of Fort Simpson, the latter having trespassed upon the rights of the former by killing sea otter upon the hunting grounds of the Hoonahs; second, to visit the Kootznoo tribe on Admiralty Island, to prevent a renewal of troubles between them and the Stickienes at Wrangell, reports having been brought in that such troubles were about to occur; third, to visit the Chilkhat country, for the purpose of strengthening and encouraging that tribe and the Chilkhoots in their advanced step of opening their country to miners and traders, which step was taken by my request, and is the legitimate growth from the successive steps of mine, in sending, in September, 1879, several of our Indians to Chilkhat, upon the occasion of a big fight, which resulted in an invitation to the whites to come, in response to which I, in May, furnished a party of pioneers with escort (see report of June 7, 1880); and in general terms, to have interviews with as many as possible of the leading tribes, among whom white men are now beginning to penetrate, and to establish with them a feeling which would cause them to receive the whites with favor, and treat them friendly.

My reasons for going in person were, first, I am convinced that as "captain of the *Jamestown*" I have more influence with the Indians, from one end of Alaska to the other, than any other person; I do not speak boastingly, but simply state a fact, which is believed by all here and confirmed by much evidence.

* * * * * * *

We then proceeded up Lynn Canal for Chilkat. The day was fine and warm, and the mountain scenery, which included hundreds of glaciers, magnificent. Before passing into Chatham Straits we had a fine view of Mounts Fairweather, Crillon, and

Perouse. At 6 p. m. we anchored in William Henry Bay, on west side of Lynn Canal, latitude 58° 44′ north, longitude 135° 19′ west, to procure wood, which the Indians cut and cord for the company for $2 per cord, and it is most excellent fuel (hemlock). We made survey of harbor, etc. On 23d, 6 p. m., we arrived at the trading post between the Chilkat and Chilkoot villages. We here found that our visit was very opportune, as it was at once reported to us that a war had started between the Chilkats and Chilkoots. The Chilkats and Chilkoots have for generations claimed the exclusive right to trade with the Stick Indians, who live in the interior and are not allowed to come to the coast, and it was to prevent trespass upon the trade that they have hitherto objected to the whites coming among them; and their consent to the going into the interior of the miners was based upon promises made by the latter to refrain from trading with the Sticks. Their suspicion that Mr. Steele (who was not bound by promise) was endeavoring to establish the forbidden trade, had led them to appeal to me for assistance to prevent his so doing.

* * * * * * *

The northern extremity of Lynn Canal is bisected by a narrow tongue, which produces two deep inlets, called, respectively, Chilkat and Chilkoot inlets. These are the most powerful and warlike tribes on the coast, and their main villages are situated about 20 miles up rivers which empty into the inlets.

The mouth of the Chilkat River is obstructed by flats, which can be passed only by canoes. Just below these flats, on the western side of the peninsula, there is a village called the "Lower Chilkat village," but as it is inhabited by about equal numbers of Chilkats and Chilkoots, and governed by a chief of the latter tribe, it is more properly a Chilkoot village, and at it the two tribes meet for trade, etc., a trail crossing the peninsula. At the eastern end of this trail there is a good harbor, Portage Bay, and the Northwest Trading Company have built a house and established a trading post at this point, around which a new village will soon grow. The trader, a Mr. George Dickenson, is married to a Tongas Indian woman, who speaks, reads, and writes English, and is a missionary. Through the Dickensons we learned as follows:

A few days before a nephew of Klotz-Kutch, named Yakekoko, being drunk, desired to attack and kill a Frenchman named Pierre Erassard, who was at the Chilkat village, in a boat from Sitka on a trading voyage. Yakekoko has what is termed a "blood feud" with the whites, he having been stabbed last winter in Wrangell by a white man named John Currie, and in consequence has sworn to kill a white man to "get even." The attack upon Erassard was prevented by Klotz-Kutch, but as a barrel of molasses had been sold to the Indians (probably by the same Frenchman) many were drunk and a big fight ensued, during which Yakekoko shot and killed a Chilkoot Indian named Kootsnatz, the man who last fall wounded Klotz-Kutch (see letter of October 1), creating then a riot, which I had stopped temporarily by sending up Dick, Sitka Jack, etc.

Klotz-Kutch is getting old, and a class of young fellows are disposed to rebel against his authority, his ideas being in advance of theirs as regards the admission of miners, traders, and missionaries. All of the Indians of the lower village side with the Chilkoots, and after several days of skirmishing at the main Chilkat village, the side opposed to Klotz-Kutch, which was headed by Danawak, chief of lower village, sent to the main Chilkoot village for reenforcements. The day before we arrived two canoes carrying over forty men had passed the trading post bound to Chilkoot from Chilkat, and every man belonging to the lower village had gone to the meeting, at which a big potalatch or drunk was taking place.

I learned also that Mr. Steele, the miner who was believed by the Indians to have endeavored to trade with the Sticks, was stranded about 15 miles by water above the Chilkoot village, and that the Indians refused to bring him down. Messengers were at once dispatched to Chilkat and Chilkoot to the headmen, requesting them to declare a truce, and to meet us in council at Portage Bay on board the *Favorite;* also to the Chilkoot chief, requesting him to send at once a canoe for Mr. Steele and bring him down to us, if he wished.

On the 24th Klotz-Kutch and Colchica, chiefs of the Chilkhats, accompanied by the trader Erassard, arrived; also from Chilkhoot, Mr. Steele. Erassard confirmed the story of the Dickensons as to state of affairs in Chilkhat, saying that every night the fighting, which was suspended during the day, was renewed. This is Indian custom, their system of "getting even" making it very dangerous to a man to be identified as the killer of another, even in battle; and Steele reported that the entire Chilkhoot village was drunk when he left. Steele denied the reports which had been made, but did not convince me that he was entirely blameless.

That evening an interview was held with the two chiefs, and the matter of difficulty between Steele and the Chilkhats adjusted satisfactorily. We declined to talk of the

war now progressing until the Chilkhoots should be present. August 25, in the morning, a light canoe, with the American flag flying, came down from Chilkhoot. In her were several Chilkhoot chiefs. We appointed a conference at 10 a. m., and they went to the beach to breakfast, refusing to go to the trading post because the Chilkhats were there.

At 10 a. m. we fired a gun, and soon after all came on board. As this was a very important interview, we all dressed in uniform and epaulets, and the Indians, as far as in their power, vied with our splendor. Major Morris also donned a uniform, as it was necessary to add to our strength everything which could impress the natives. There were present, Chilkhats, Klotz-Kutch and Colchica, chiefs of main village; Chilkhoots, Danawak, chief of lower village; Karskarz (Indian shaman), chief of Chilkhoot village, and a young fellow, brother of Danawak, and his probable successor, who is very influential, and who has made lots of trouble. The following is a synopsis of the interview:

Interview between Commander L. A. Beardslee, U. S. Navy; Maj. William Gouverneur Morris, special agent Treasury Department; Chilkhat chiefs, Klotz-Kutch and Colchica; Chilkhoot chiefs, Danawak, Karskarz, and others, at Trading Post, Portage Bay, Chilkhoot Channel, August 25, 1880.

Geo. Cozian and Shukoff, interpreters.

Passed Assistant Surgeon Ferrabee and Master G. C. Hanus, U. S. Navy, were present.

Commander BEARDSLEE. "I have sent for you to talk with you on a subject of great importance. I do not wish you to interrupt me, but to wait till I have finished, and then I will hear you. Many years ago a great Tyhee of the United States, Mr. William H. Seward, came to this country. He traveled all over it, and when he reached Chilkhat he was the guest of Klotz-Kutch, and he writes in this paper you have shown me that Klotz-Kutch and all of the Chilkhats used him well. He was greatly pleased with what he saw of the country, and when he got home he told his Government that it was good; that the lands were rich in furs, minerals, and timber; the waters teeming with valuable fish, and the Indian tribes brave, intelligent, and disposed to be friendly; and by his advice the great Tyhee in Washington bought Alaska, and paid many millions of blankets.

"White men began to come to this country, among them both good and bad men; the last, seeing the riches of the country, wished to keep it to themselves, so they wrote false letters and the white men read that the country of Alaska was 'bad land' and the Indians a dangerous, treacherous lot of men, and that the whites could not stay here unless the Government sent a war ship or soldiers to protect them. Some of these reports were true, for the white men and Indians did not understand each other, nor how to get along together.

"The Government sent the war ship asked for, and selected me to command it, and it told me to protect the whites, and Indians who desired it, from the bad Indians.

"I have been on this duty over fifteen months. At first my work was very hard. Bad Indians and bad white men gave me much trouble, and the good men would not assist me, but stood and looked on, because they did not know me; but as time passed, and they saw that the war ship was the enemy of the bad men only, and the friend of the good ones, these last began to help me, and when I asked the old men to make the young men do right, they did so. Then they began to send to me to advise and help them when they had troubles, and I did so, and by my request the Kootznoos and Stickienes, the Hoonahs, and Sim-Sims (Fort Simpson Indians), and the Chilkhats and Chilkhoots stopped wars that had started, and all sent me word that they wanted the white man to come among them and teach them. So I wrote to the Great Father that war times were over, and that it was now time to send teachers for the children, traders to do business, and a peace Tyhee to teach the Indians how to do business with the whites. Such a Tyhee has come with me. I came myself that I might get acquainted with all of the chiefs who have helped me so much, and that I might introduce to them the business Tyhee as my friend, that they might know that the war and peace Tyhees of the white men worked together.

"At Koeteosok, Kootznoo, Hoonah, Tink ha-tah, and other places we found all quiet and peaceful, and we talked with the chiefs—I about such matters as I had charge of, and the business Tyhee instructed them how to carry on their business with the whites; but, now we have arrived at Chilkhat, the business Tyhee can not talk, for there is war, and my work is not yet finished.

"Unless this war is stopped at once I shall leave here to-day and go back to the *Jamestown* and tell the Great Tyhee in Washington that the Chilkhats and Chilkhoots are not yet ready for a talk with the business Tyhee, and that the white men must

not come beyond Cross Sound. I am very grieved and mortified. Can not you four men, and will you not, stop this trouble, which is now but like a little fire which has started, and which can easily be put out by a cool breath, but which, if it gathers headway, will destroy the country? Will you not help me to blow it out?"

At this point a conversation between themselves was followed by a request that we should hear the story of the war and act as arbitrators; this we refused to do. Such action would have been highly impolitic. It would be impossible for any white man to place just the right weight on the various points which would arise. From an Indian point of view, in which both parties would coincide, acts which we might condemn would be considered as right, and vice versa, and I said to them:

"That we can not do; we did not come here to interfere in your affairs; we came in a little boat, as friends, to pay a visit; we know that you Indians have laws, and that by them this dispute can be settled better by your chiefs in cool, deliberate council than by young men, crazy with hoo-che-noo, killing each other."

KLOTZ-KUTCH. "We have listened to what you have said, and we agree that it is better that we should do what you say, but we can not settle the affair without consulting the family of (?) (the shot man). I would rather pay two hundred blankets than have a long war about a bad man that was not worth a hundred. We are the rulers of all the Indians, and we promise you that the war shall stop now and that such payment as a council decides is just shall be paid by me."

Danawak and Karskarz, the Chilkoot chiefs, indorsed the promise of Klotz-Kutch, and the two parties, who up to this time had held aloof from each other, began a friendly consultation.

I then said to them: "Now that you have all joined in this promise, am I to understand that, except as to the amount to be paid, the whole affair is settled, and that the war is over?" All assured me that such was the case, and I then said: "I know that you will keep your word, for you are warriors, and brave, and only cowards lie, and I know that you old men have wisdom enough to see that it is best to settle a trouble without anger."

Then I introduced Major Morris, who had a long talk with them on business matters—smuggling, whisky dealing, etc. They manifested much interest in the subject-matter of the major's address, asked a number of questions, and promised to be guided by his instructions. Both of the tribes were greatly pleased by an offer that Mr. Vanderbilt, the agent of the Northwest Company, had authorized Major Morris to make, viz, to build at the trading post a comfortable schoolhouse, where those who wished could be taught by Mrs. Dickenson, the wife of the post trader, and they said that they would not only send their children, but would build a new village around the post so that the children could be with their parents; and after consulting together the Chilkats selected a site to the westward and the Chilkoots one to the eastward of the store.

They received, with considerable amusement, a proposition made by Major Morris that on future trips of the *Favorite* good, wholesome beer, which we whites drank and got fat and healthy on (illustrating by his own person as an example), should be substituted for the trouble-brewing molasses.

It is my belief that if this change can be made gradually, the use of molasses, as a beverage, can be greatly reduced; and so thought the chiefs, who are very willing to have the experiment tried.

After the interview we exhibited to them the howitzer and Gatling, firing a number of rounds from both; the action of the Gatling, which was mounted on a pivot block aft, so that we could sweep two-thirds of the horizon, was particularly interesting to them, as it taught them what one man could do to a fleet of canoes coming from all directions.

After this they all went ashore together to hold a pow-wow, and finish up the business. Klotz-Kutch, who had evidently anticipated that the case would go against him, one of his family having taken a life, which must be atoned for by another, or payment, had brought with him a bale of furs and blankets; and we having thus accomplished all of the objects of our mission, including a treaty of peace, and the quelling of a war which had already put a stop to all trade, and had endangered the lives of United States citizens, and which might have been prolonged indefinitely, started August 25, at 1 p. m., for Sitka, arriving at that place on the 29th.

* * * * * * *

Before closing this portion of the report it seems not out of place that I should avail myself of information furnished to the department by my successor, Commander Glass, which bears upon subjects which have been discussed. Up to the latest dates, March, 1880, the Indians

throughout Alaska have kept their promises to me, and have remained on harmonious terms with each other and with the whites.

Shortly after my departure in September, 1879, Lieutenant Symonds continued in the *Favorite* the system of survey begun by Mr. Hanus. Visiting the Chilkat village he found that the promise of Klotz-Kutch to pay the demanded forfeit had been made good, and that peace was reestablished.

Among the important results of this second trip in the *Favorite* was the hydrographic work embodied in chart and Hydrographic Notice 98, and the locating of the Chilkat villages, which he finds are beyond doubt in the United States territory; he also obtained a census of the Chilkhats and Chilkhoots, which shows that their numbers have been overestimated.

The privileges granted to the miners of penetrating the country have resulted in the discovery of gold-bearing ledges and silver ore in various places, which, it is thought, are of great value, and these discoveries have attracted to Taku so many whites that a new town called Rockwell has been built, which will undoubtedly soon prove a flourishing settlement.

* * * * * * *

HYDROGRAPHIC WORK.

The hydrographic work for the summer of 1880 was confined to that performed by Master G. C. Hanus while on a trip through the inland waters with me in the steamer *Favorite*, a portion of which is incorporated in Hydrographic Notice No. 79 of 1880, hereto appended, and other portions in corrections to Chart No. 225, which is now being altered in accordance.

After my being relieved by Commander Glass, the survey of the inland waters, through the medium of the *Favorite*, was continued by him, and the results of a trip made by Lieut. F. M. Symonds are incorporated in Hydrographic Notice No. 98, which, as it serves to explain certain portions of this report, is also appended.

Mr. Symonds's work furnishes also other important corrections to Chart 225, which chart is the only one of use to a navigator in these inland seas, and which had been laid aside as too erroneous for issue.

The surveys of the *Jamestown* have restored its value, and a section of it, on which the corrections made by the *Jamestown* are indicated in red ink, is hereto appended. This includes Glacier Bay, Tya Inlet and River, Chilkhat Lake, Taheen River, and rocks off Cross Sound, called Hanus Reef.

* * * * * * *

HYDROGRAPHIC NOTICE.

[No. 98 of 1880.]

The information contained in the following notice is furnished by Commander Henry Glass, U. S. Navy, commanding U. S. S. *Jamestown*. The reconnoissance and surveys were made by Lieut. F. M. Symonds, of that vessel, during September of the present year:

* * * * * * *

CHILCAT INLET AND RIVER.—(See chart.)

960.—*Portage.*—The portage between Portage Bay and Chilcat Inlet is 1½ miles in length. The divide is low, with a gentle rise from the bay. On the eastern side the

soil is a rich loam, adapted to the cultivation of grass and the hardier vegetables, and covered with evergreen trees and a deciduous growth of birch and cottonwood. Passing from the eastern side to the middle of the divide, the soil becomes thin and marshy and necessarily colder, as it has not the southeastern exposure of the eastern slope. On the western side large patches of swamp grass, a bluish clay soil, and then granite mud were found. The mouth of the Chilcat River opposite this point is about 5½ miles wide. (H. N. 98, 1880.)

961.—*Description.*—Portage Point, where canoes were taken for Tondustek, the first Chilcat village, is about a mile to the southward and westward of the western end of the portage.

The party embarked at half flood. Snags and patches of sand were visible in many directions, and it required, under sail, very careful handling to keep in even 2 feet of water. A careful examination of the mouth was made for quicksands, but none were discovered. Indians were observed on the sand flats in the center of the river spearing salmon, but none of them had any knowledge of the existence of quicksands in the river.

Tondustek is to the eastward of and close to Ranch Point. This village has 16 houses and a population of 171 Indians. Two chiefs hold sway; the elder and head, Donawauk (Silver-gray), being about 50 years of age, and tall and noble looking, with Caucasian features. Kacky, the other chief, is young and good looking, being particularly notorious for his unscrupulous dealings and quarrelsome disposition.

The village is on a wide, grassy, alluvial flat, having for its background a bold granite mountain, whose precipitous peak was streaked in a remarkable manner by slides of bright slaty granite, sand, and gravel, while lower down were shrubs and bushes of bright yellow and crimson shades, deciduous growth, and woods of dark evergreen. The village was noticeably clean.

After leaving this village a course was shaped up the river, and, although an opposing current of at least 4 miles an hour was encountered, good progress was made, the breeze being fresh from the southward and eastward.

The course from the village was southwest. Two miles from the village precipitous mountains, 2,000 feet in height, rose on either hand. The timber on the mountains gradually changes, deciduous trees taking the place of the evergreens, and bushes replacing the larger trees, until at about 10 or 15 miles from the mouth of the river the mountain sides are brightly mottled with yellow and orange. On the southeastern side of the river the rugged and serrated mountain crests, covered with snow, appear cheerless and uninviting.

About 5 miles southwest by south from Tondustek, up the valley of a stream called Takheen (Hindmost River), is the Bertha glacier, resting on a southern mountain slope and reaching nearly to the surface of the river. It is precipitous in its descent and has a double snout, occasioned by a huge mass of rock near its medial moraine. The ice is very clear and white. The mountains which feed this glacier are of the same group which supply the Davidson glacier and the many small glaciers which spring into view on the southwestern shore of Lynn Canal.

At 1.45 p. m. September 27, 1880, Tondustek bearing northeast, 7½ miles distant, the course was altered to west. Sand bars just awash were continually met, and the average depth in the channel was only 2 feet. In altering the course Spuhn Point was rounded. The river at this point is 1½ miles in width. The flats opposite Spuhn Point extend out for nearly a mile from the southwestern bank of the river. The temperature of the water at this point was 46° F., the air being 53°.

At 2.30 p. m. the canoe was off Vanderbilt Point, which bears west from Spuhn Point, distant 2½ miles. The general course was now west-northwest.

Leaving Vanderbilt Point, the mud and sand flats, which fill the lower part of the river, were left behind, and numerous low, flat islands were met with. These islands, covered with alder, willows, birch, and cottonwood, inclose the shallow channels, while great stretches of barren gravel and sand flats, with sloughs and pools, fill the intervening spaces between the islands.

The current is rapid and increases in proportion as the channel between the islands narrows, running at times 5 or 6 miles an hour.

As the party progressed the average width of the river was 1 mile, and the general course was gradually altered to west by north.

At 6.30 p. m. the canoe reached Camp Point, which is half a mile southeast of Kutkwutlu (Gull's place) and 16½ miles from the mouth of the river.

On the morning of the 28th the course was continued up the river, and Kutkwutlu was soon reached.

This village, the second from the river's mouth, is very dirty, and consists of 11 houses, with a population of 125 Indians. There is no head chief at this place.

From Camp Point the north bank of the river trends a little to the northward and

then to the northward and westward to Chilkat Point, at the upper extremity of Klukquan village (Old town).

The river is here 2 miles wide and is alive with salmon. The cliffs on the banks are about 2,000 feet in height.

Klukquan, the main Chilcat village, bears west by north from Camp Point, distant 3 miles. It contains 65 houses and a population of 558 Indians.

From this village the voyage was continued up the Taheen (King Salmon) River, which was entered after rounding Chilcat Point. At 11.15 the party was off Glass Point, which bears WNW. ¼ W. from Chilcat Point, distant 2½ miles. Glass Point extends out nearly to the center of the river valley. The river is here 2 miles in width and its general direction is west northwest.

At 12.20 p. m., Glass Point bearing south by east, 6 miles distant, the trip up the river was discontinued at a point south by east, a quarter of a mile from Jamestown Point.

Nearly west of Klukquan village is a point on which is Chilcat Peak, 4,000 feet high. It is at this point that the Taheen, flowing from west northwest, and the Kluheeny (Dog-salmon), from southwest by west, meet. No information could be obtained as to the source of the last-named river. The Taheen is the outlet of Kousouah (Long) Lake, which, from Indian reports, is about 30 miles from Klukquan. On the Taheen, 14 miles from the lake, there are falls 60 feet in height.

Into the Taheen, 13 miles from Klukquan, empties the Kaätl River, flowing from the northward. This latter is a small river, and is not navigable for canoes.

About 3 miles south of Klukquan is Chilcat Lake, which extends about 6 miles northwest and southeast.

From every indication on the banks of the Chilcat River, Lieutenant Symonds concludes that during the spring and summer freshets the river never rises more than 2 feet above its level in September, which rarely exceeds 3 feet in the deepest part of the main channel. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCOOT INLET.—(See chart.)

962.—*Deyea River.*—The Deyea River, the outlet of Chilcoot Lake, is small and shallow and navigable only for canoes. The main village, called Tananei (Salmon Leaf), is at the junction of this river with the lake. It contains 8 houses and has a population of 127 Indians. At the mouth of the river there is an Indian hunting village containing 3 houses.

East-northeast from the mouth of the river there is a small glacier, and east by north from the same point is the entrance to Tyya Inlet, which extends in a northerly direction to the mouth of a river of the same name. This river is navigable for canoes only.

The northeastern side of Chilcoot Inlet is incorrectly placed on Commander Meade's chart, but want of time prevented Lieutenant Symonds from obtaining sufficiently reliable data to place it correctly.

The loftiest mountain peak, just to the southward of Tyya Inlet, was found by barometric measurement to be 3,700 feet high.

There is reported to be plenty of water and good holding-ground in Tyya Inlet, to the mouth of Tyya River, but no harbor.

A mid-channel course up either Chilcat or Chilcoot Inlet shows that both are in error at least one point, as they trend that much more to the westward than shown on the charts. (H. N. 98–'80.)

(Bearings magnetic. Variation, 31° easterly in 1880.)

CHILCAT, CHILCOOT, AND INTERIOR TRIBES.

963.—*Description.*—These tribes are all of the general classification group of Thlinkit The whole region possessed by them is called Kunana, and its inhabitants Kunaär One group of tribes, called Alitsch (which is their word for "people"), consists of s small tribes, viz, Tagesh (living nearest the coast), Kluhtane, Netlatsin, Taht Klukha, and Tahho.

To the northward of this group is another group. Their name for people is Tin which gives the name to this group of four tribes.

There also appears to be a tribe, or group of tribes, bearing the name Tenne

The above information was obtained from old Chilcat and Chilcoot trader visit the northern inland country yearly to trade with the in[illegible]erior tribes.

These interior tribes, especially the Alitsch, receive their [illegible]oods from the who cross the divide, passing first over the mountains to the T[illegible]yya River, th ing it to the glacial region, crossing from thence by a gap [illegible]and descend northern side into the bleak, soft, bush region. They barter [illegible]ith the Indian furs, and being in possession of the market values, the trade i[illegible]s a remarka

The question on which you desire an opinion is, as I understand, the papers, "Have the Chilkoot Indians an exclusive right to the use of the trail built and maintained by them over the mountain pass to the headwaters of the Yukon River for the purpose of packing for hire?"

[Here is quoted section 2477 and section 1839 of the Revised Statutes of the United States.]

This would indicate that if the Indians had acquired any rights to the trail or to its exclusive use that such right remained intact.

But article 3 of the treaty with Russia by which Alaska became the property of the United States reserves no rights to the Indians, but shall be subject to such laws and regulations as the United States might adopt in regard to them. And by article 6 the said territory was declared to be free from any reservations, privileges, or franchises in favor of any companies or parties.

[Here is quoted section 8 of the Organic Act.]

I am of opinion that this clause, with section 1839, would cover the claim in controversy. There is no provision under the United States laws for a toll road, and the Oregon law which might be made applicable only applies to public highways already laid out and which might be leased by the county court for the purposes of a toll road for ten years. (Title 3, vol. 2, p. 1745, Hill's Annotated Laws of Oregon.)

As I understand the question, these people do not claim the right to exact toll, but having built this trail at their own expense and keeping it in repair they do claim the right exclusively to do all the packing for hire done for others passing over said trail. They claim to have built the trail and to have been exercising this right over it for a long time. If the trail was before impassable and has been made so [passable?] by their work, as I understand these papers, and was first used by them, then they are entitled, in my opinion, to protection in that right until Congress sees fit to act in the matter. I do not believe they have acquired such right as to prevent others passing or doing their own packing over said trail, and this should be explained to them. This trail as I understand was built by them for their own use in carrying on their trade with the natives on the Yukon. It certainly is not just or equitable that others should now avail themselves of the work and expense of these people for the purpose of making money out of it. If this is not one of the rights reserved to them by the Organic Act I don't know what it would include. Their right is somewhat in the nature of an easement acquired by discovery and prescription and protected by the Organic Act and section 1839. (See Kent's Com., v. 3, p. 442 et seq.) As to how they can enforce their right might become a troublesome question.

Yours, truly,

WHIT M. GRANT,
District Attorney.

Extracts from logs of United States naval vessels on duty in Alaska waters.

[Log of the United States flagship *Saranac*, second rate, 13 guns, under the command of Capt. Thomas S. Phelps, U. S. Navy.]

At anchor, head of Lynn Canal, A. T., Thursday, July 3

Koh-klutch, chief of the Chilcat tribe of Indians, visited

occasionally visited as required. Miners of all
the authority of the United States over all ter-

COGHLAN,

of Caribbean Squadron, North Atlantic Fleet.

WASHINGTON, D. C., *March 28, 1903.*

ce with your verbal instructions I submit herewith
ice in the waters of Alaska Territory.
e that my time of service in southeastern Alaska
riod of twenty years, from 1882 to 1903, with inter-
Attached to the U. S. S. *Adams*, September, 1882,
ttached to the U. S. S. *Pinta*, May, 1885, to July,
natives of Alaska, March, 1888, to October, 1889.
U. S. S. *Pinta*, July, 1890, to January, 1892. Duty
Department, Alaska, January, 1892, to September,
to U. S. S. *Pinta*, April, 1894, to September, 1896.
duty in 1899, 1900, and 1901. On Government serv-
lay, 1902, to September, 1902.
his period of service the men-of-war to which I was
d continually along the mainland coast of Alaska and
slands of the Alexander Archipelago, from Portland
s Entrance, to the head of Lynn Canal, and through Icy
oss Sound, and seaward as far west as Yukatat or Ber-
ing all of the settlements, anchorages, and inlets along
order to render assistance to those in need, to preserve
both whites and natives, and to enforce the statutory
ne establishment of civil government in Alaska, in 1885,
ling officer of the naval vessel stationed in those waters
the law supreme; he touched at the native villages, received
listened to the complaints of the people, arbitrated and
cases, and punished the guilty. Under the orders of th
, the medical officer of the man-of-war inspected the native
for them, and dispensed Government medical stores fre
essity required, armed detachments were landed from
preserve order or make arrests. After the establishment
n the Territory the naval commander cooperated with
ent officers to enforce the law and to police the country.
uestion of absolute jurisdiction over the mainland c
all of the inlets and arms of the sea reaching inland
of Portland Canal to the head of Lynn Canal and exte
ver the Chilkoot or Dyea Pass and the Chilkat passe
my knowledge questioned by the whites of any nati
resident natives within these limits. In fact, all of the
nland over these passes to the valley of the Yukon l
stantly appealed to the naval commander here stati
ice and protection, and frequent complaints from bo
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presented to the commander for adjustment.
duty and investigations among the natives of Al
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at and Chilkoot people. I have visited all of their vil
I have traveled through their country from the h

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was sent with a posse to arrest the murderer. The arrest was made, and the Indians themselves were conveying in their canoe the deputy and his interpreter and the prisoner to Juneau, but before they got there the Indians decided that the murder had been settled for "according to their own laws" and it was not right to give up the prisoner, so they landed the party, pushed the deputy to one side, placed the prisoner in a cabin, and guarded him there. The deputy proceeded to Juneau and, returning with a large posse, secured the prisoner.

Defendant was convicted at the November term, 1887, and later sentenced to six years' imprisonment at McNeils Island penitentiary, Washington.

President Harrison, on May 8, 1889, granted the defendant a pardon.

1888.

The following case was tried before Louis L. Williams, United States commissioner at Juneau, Alaska:

United States *v.* Charley (an Indian).

Complaint made by Walk-on-ass (an Indian); offense charged, larceny; offense committed at Chilcoot, Alaska, November 20, 1888; residence of accused, Douglas City, Alaska; defendant discharged. The witnesses were Walk-on-ass, Jimmie (an Indian), and Rev. E. J. Williard, the first two of Chilcoot and the last of Juneau.

1889.

The following cases were tried before Louis L. Williams, United States commissioner at Juneau, Alaska:

United States *v.* Frank Gudmamen.

Complaint made by Henry H. Wheeler; offense charged committed at Chilkoot, Alaska, on June 30, 1889; residence of accused, Juneau, Alaska; defendant discharged. The witnesses were H. W. Wheeler and Frank Pondexter, both of Chilkoot.

United States *v.* Robert Ohman.

Complaint made by H. W. Wheeler; offense charged, larceny; offense committed at Chilkoot, Alaska, on June 30, 1889; residence of accused, Douglas City, Alaska; defendant discharged. The witnesses were H. W. Wheeler and Frank Pondexter, both of Chilkoot, Alaska.

1890.

The following case was tried before W. R. Hoyt, United States commissioner, Juneau, Alaska:

United States *v.* John Bjerkland.

Complaint made by J. J. Healey; offense charged, violation of section 669 (p. 437), Oregon statute; offense committed at Chilcat, Alaska, October 7, 1890; residence of accused, Chilcat; defendant convicted and sentenced to Sitka jail.

1891.

PARDON CASE.

United States *v.* George Chartrich.

Arrested in spring of 1891 on Chilkat River, on the charge of "assaulting and resisting an officer of the United States, section 5

That by reason of explorations, work, and business in which I had become interested in the northwest coast of North America, between the years 1862 and 1880, in the country adjacent to the Stickeen River, I became interested in all that country further north of what is commonly known as the Cassiar mining district.

That in 1886 my son, William Moore, went into the country adjacent to the Yukon River with Bishop Sagers.

That upon his return from this expedition, which was made by way of the route from the head of Lynn Canal, my son informed me that in his opinion the pass now known as White Pass in the mountains north of Skagway Bay was lower than the pass commonly used north of Dyea on Lynn Canal, of which report I took note.

That in 1887 at my request I became a member of the expedition known as the Ogilvie expedition, under the command of William Ogilvie, a British subject.

That in the month of May, 1887, I arrived at the head of Lynn Canal, at Skagway Bay, and found a number of Indians encamped about the head of said canal, among whom was an Indian commonly known as the Indian Schwatka on account of his intimate connection with expeditions before taken by Lieutenant Schwatka, of the U. S. Army, into the Yukon country and the interior of Alaska north of Lynn Canal.

That said Indian Schwatka had just returned from San Francisco, whither he had accompanied Lieutenant Schwatka. My sons, William and J. Bernard Moore, had preceded me into the country tributary to and adjacent to the Yukon River during said year.

That I have made a special study of the value and expediency of the various routes and passes into the interior of the British possessions and American possessions in northwest North America and Alaska.

That I have twice been over the Chilkoot Pass north of Dyea, Alaska.

That I have been over the Stickeen Pass and over the pass adjacent to Taku Inlet in the district of Alaska.

That upon said expedition, known as the Ogilvie expedition, I proceeded north from the shores of Skagway Bay in company with one Indian, who assisted me in packing over what is now known as the White Pass, and took observations concerning the height of said pass and the expediency of a route thereover.

That on said expedition I went as far as Fort Selkirk and on said expedition I took soundings as to the depth of Skagway Bay and its expediency and practicability as a port of discharge for ocean-going vessels.

That at the same time said Ogilvie passed over the Chilkoot Pass in company with his expedition, and I met him at Lake Bennett.

That prior to my departure over the White Pass I visited Dyea, Alaska, and found the trading post and eating house of John J. Healy and Wilson, who were operating as partners under the firm name and style of Healy & Wilson.

That to the best of my information and belief the said Healy & Wilson had maintained and owned and possessed their trading site and post at Dyea since the year 1885.

That upon said expedition, by orders of the Navy Department, Washington, the U. S. gunboat *Pinta* accompanied the expedition from Haines Mission on Lynn Canal to the head of Lynn Canal.

This country is free to all white men to go through in the pursuit of their business. It is for your interest to have them here, because they bring you wealth by your contracts to work for them.

If any of the white men desire to do their own packing they must not be interfered with.

The chiefs of the tribe and the headmen of families are by me held responsible for the good conduct of their people, and the white chief who governs the whole country is very angry with you for this ill treatment of peaceable people passing through your country.

Should there hereafter be any complaints or shall there be any disturbances or outrages that call for my interference I shall punish the offenders to the full extent of the law.

[SEAL.]

HENRY E. NICHOLS,
Lieutenant-Commander, U. S. Navy,
Commanding Pinta, and Senior Naval Officer in Alaska.

UNITED STATES OF AMERICA.

THE DISTRICT OF ALASKA.

[Shield.]

To all to whom these presents shall come, greeting:

Know ye, that, reposing special trust and confidence in the loyalty, integrity, and ability of Don-a-wak, I, Lyman E. Knapp, governor of the District of Alaska, by the authority in me vested by the Constitution and laws of the United States, do hereby appoint and commission him, the said Don-a-wak, private of Indian police for the Chilkoot region under the laws of the district, and I authorize him to discharge, according to law, the duties of said office, and to hold and enjoy the same, together with all the powers, privileges, and emoluments thereto appertaining, for the term of one year. He will report for instructions to Officer Nathaniel Jones and Deputy Marshal J. J. Healy.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the District of Alaska. Done at Sitka, this 1st day of February, in the year of our Lord 1891.

[SEAL.] LYMAN E. KNAPP.

By the governor:

N. R. PECKINPAUGH, *Secretary.*

Certificate of authentication of foregoing papers.

UNITED STATES OF AMERICA,
District of Alaska, Division No. 1, ss:

I, W. J. Hills, clerk of the United States district court for the District of Alaska, division No. 1, do hereby certify that the above and foregoing and hereunto annexed are full, true, and correct copies of letter from Edward P. Lull, commander, commanding U. S. S. *Wachusetts*, to Donowock, chief of one of the Chilcat villages, dated August 24, 1881.

Letter from Henry E. Nichols, lieutenant-commander, U. S. Navy, commanding *Pinta*, to Chief Donowaak and Chief Clanaat and the Chilkoot Indians, dated May 18, 1885.

Memorandum from Rear-Admiral A. M. Pennock, U. S. Navy, on flagship *Saranac*, dated July 30, 1873.

Appointment by Governor Lyman E. Knapp of Don-a-wak as private of Indian police for the Chilkoot region, dated February 1, 1891.

Letter from E. C. Merriam, commander, commanding *Adams*, dated May 29, 1883.

That the same were made from, and by me compared with, the originals which are now in the possession of Don-a-wak, chief of the Chilkoot Indians, which said chief is at present residing at Haines, in the district of Alaska.

In witness whereof I have hereunto set my hand and affixed the seal of the court this 27th day of March, A. D. 1903.

[SEAL.]

Clerk U. S. District Court for Division No. 1, Alaska,
By J. J. CLARKE, Deputy.

W. J. HILLS,

on pages 570 and 571 of the records of my office in Journal 4, which copy of said order is marked "C and D" and attached hereto.

In witness whereof I have this day set my hand and affixed the seal of the court this 26th day of March, 1903.

[SEAL.]

W. J. HILLS,
Clerk United States District Court for District of Alaska, Division No. 1,
By WALTER S. COUTANT,
Deputy.

E.

JUNEAU, *Monday, December 26, 1894.*

THE UNITED STATES
v.
SCUM DOO. } No. 392.

Now, at this day comes the plaintiff, by Lytton Taylor, esq., United States attorney, as also comes the defendant in person, with J. F. Malony, esq., as counsel, and appearing for judgment.

And it is hereby ordered, adjudged, and decreed that defendant be, and the same is hereby, convicted of the crime of manslaughter, and sentenced to imprisonment in the penitentiary for the term of three years.

UNITED STATES OF AMERICA, *District of Alaska, ss:*

I, J. W. Hills, clerk of the United States district court for the District of Alaska, Div. No. 1, do hereby certify that the foregoing is a full, true, and correct copy of the original order found on page 627 in book 4 of the records of my office.

Dated this 26th day of March, 1903.

[SEAL.]

W. J. HILLS, *Clerk,*
By WALTER S. COUTANT, *Deputy.*

Deposition of In-da-Yonk.

UNITED STATES OF AMERICA,
District of Alaska, ss:

In-da-Yonk, alias Schwatka, being first duly sworn, on oath deposes and says:

I am a native Alaskan Indian of the Chilkat tribe.

That I have been an explorer and guide and trader in Alaska for a number of years, residing principally around Haines, Alaska; Klukwan, Alaska, and Dyea, Alaska.

That I was the Indian guide for Lieutenant Schwatka on his exploration of the Yukon River, and accompanied him from St. Michaels as far as San Francisco, about the year 1886.

That I distinctly recollect the time when Alaska was turned over by the Russians to the United States.

That I reached Sitka shortly after the transfer had been made.

That prior to such transfer the Indians among whom I was raised and lived considered the Russians merely as traders temporarily in our country, and it was not common talk among the Indians that any other persons or nations claimed the country known as Alaska until the time of the transfer, when it became known to us that Russia had left the country and sold it.

That I remember about twenty years ago when a ship of the U. S. Navy came to Haines, Alaska, and some of the Indians went aboard of her, and I remember that at that time I was told that the ship had fired shots over the hill near Haines, Alaska, to show the Indians how the guns worked. I was not present at Haines at that time, but came to Haines shortly afterwards, having at that time been at the village of Klukwan.

The following is a list of the subordinate customs officers first appointed for duty at the several subports and customs stations named in Alaska, with the dates of their respective appointments, on or adjacent to the mainland south of 60° north latitude.

Name.	Grade.	Office.	Date.
George Forsaith	Inspector	Tongass	Mar. 15, 1869
Alex. H. Merritt	Deputy collector and inspector.	Wrangell	Feb. 3, 1870
A. C. Barry	Inspector	Juneau	Mar. 21, 1883
John D. Smith	Deputy collector	Mary Island	Sept. 29, 1891
Joseph L. Millsaps	Inspector	Douglas City	Feb. 24, 1892
J. J. Healy	do	Chilcat	Aug. 19, 1890
George A. Waggoner	Deputy collector and inspector.	White Pass	Jan. 5, 1900
Alfred E. Maltby	do	Skagway	Aug. 3, 1899
John R. Beegle	do	Dyea	June 8, 1898

The following report, dated Sitka, April 8, 1868, from Acting Collector Dodge, and its accompaniments relate to the operations of customs officers on the Stickine River.

CUSTOM-HOUSE, *Sitka, Alaska, April 8, 1868.*

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

SIR: Inclosed please find copy of a letter addressed me by William F. Tolmie, chief factor of the Hudson Bay Company, in relation to the transportation of their trading goods in transit up the Stickine River through our new possessions to their trading posts in British North America; also please find a copy of a letter which I addressed to Mr. Tolmie in reply.

While this country was under the control of the Russian Government the Hudson Bay Company were accorded the privilege of shipping their merchandise in transit up this river. They have one post within a few miles of the supposed line of our territory. The river is navigable for light-draft steamers, and the company desire to exercise this right, subject to such rules and regulations as our Government may adopt to protect its revenue.

On the 8th of February one of this company's steamers came to this port with a cargo of merchandise destined for their posts up the Stickine River. The vessel came here for permission to land these goods at the mouth of the Stickine, in charge of the inspector of customs at that point, Mr. Forsaith, an appointee of Captain Howard of the U. S. revenue cutter *Lincoln* to await transit in May when the ice shall be broken up and navigation secured.

I reflected upon this matter for two or three days and hesitated granting the request without instructions from the Department. But the vessel was here to await instructions, which would involve a period of at least three months, so I at last gave the vessel a permit to land these goods at the mouth of the Stickine, to be stored in a building formerly the property of the Western Union Telegraph Company and placed in the charge of Mr. Forsaith, a sworn officer of the Government, and whose oath I have already forwarded to Washington.

So far as practicable I enforced the regulations required by law in the transit trade with the Canadas.

I also directed Lieut. George W. Moore, of the Revenue Service (a

gentleman whose services can not be too highly appreciated by the Government), to proceed on this company's steamer and to superintend the unlading and delivery of the goods. With this letter please also find a copy of the instructions issued him.

I also desired to secure information concerning the coast in this direction, and especially in regard to Portland Canal, and this afforded me excellent opportunity, the only expense being that of returning from Victoria and of board while awaiting means of conveyance to return.

His written report on file in this office affords much valuable information, and will be of great benefit to the service of a revenue cutter when one shall come, and in my opinion will vastly repay the Government the expense of $82.28, the sum incurred.

Whether the Department has approved the appointment of Mr. Forsaith, I do not know. He was appointed by Captain Howard on the 12th of August, 1867, and taken to the Stikine on the Hudson Bay Company's steamer *Otter*. He has been there since that date. Captain Howard did not inform me what compensation he had agreed to allow. On his arrival at Washington it is possible he may have arranged it.

From what I can learn he is an honest; faithful man, although somewhat illiterate. It is but justice that he should be informed whether the appointment be valid, and if so, what his compensation shall be. I also need his services here.

And I hereby inform the Department that on the 3d of April I revoked the appointment of Mr. Forsaith and appointed a Mr. Charles C. Walden, a man of good character, high standing, and large executive capacity, in his stead, directing Mr. Forsaith to return here at the earliest opportunity. The reason for this is that I consider Mr. Walden a fitter man for the place, especially if the right of transit be accorded to the Hudson Bay Company. Another reason for my action is that on the 31st of March, 1868, another steamer of the Hudson Bay Company arrived here with the balance of the goods intended for the trading posts during the ensuing summer. I permitted the landing of these goods at the Stikine under the same regulations I had previously imposed and sent Mr. Walden in charge of the goods and vessel. I herewith also transmit a copy of the instructions given him.

It will be seen that I have given no authority for the transit of the Hudson Bay Company's goods, nor do I intend to do so until authorized by the Department. But as I understand the law of nations in this regard, and the rights claimed under it by our Government, and as I suppose our Government is willing to accord to others what it claims from them, I have taken the responsibility of acting to this extent, and now inform the Department of the facts, and ask for such instructions concerning this in transitu trade as shall enable me to act properly and right and secure the true interests of the Government.

Mr. Roderick Finlayson, another of the chief factors of this company, came with the last steamer to consult with me regarding this matter, and to ascertain if it can not be arranged so that they can (provided the transit is permitted) go direct to the Stickine, instead of first coming here. By this arrangement a detour of some 500 miles would be saved to them.

Probably by the confirmation of Mr. Walden's appointment this can be arranged, although I suggest that inasmuch as the country

or coast is so likely to harbor a contraband trade it would be better, for the present at least, to compel a clearance here.

I feel it my duty to recommend the appointment of Mr. Walden at the Stickine. The one made is temporary, the compensation to be fixed by the Department. He is wealthy and has gone down with a working party of 10 men to prospect that section for gold and other minerals. He is a live man and will do much toward the development of our new acquisitions.

Trusting that what I have done may meet with the approval of the Department, and that I shall soon receive instructions regarding this whole matter, I have the honor to be,

Very respectfully,

WM. SUMNER DODGE,
Special Agent and Collector.

HUDSON BAY HOUSE,
Victoria, V. I., January 29, 1868.

W. S. DODGE, Esq.,
United States Collector of Customs, Sitka.

SIR: As it will be necessary for us soon to send supplies to our station on the Stikine River, within the British line, we have to ask the favor of your informing us by return of the steamer *Otter* of all the formalities required by you for our landing goods at Stikine Mouth, where you have a customs officer stationed, in transit for that post.

Captain Lewis, of our steamer *Otter*, the bearer of this, will furnish you with any explanations in this regard which you may require, and with best wishes I have the honor to be, sir,

Very respectfully, your obedient servant,

W. F. TOLMIE,
Chief Factor, Hudson Bay Company.

COLLECTOR'S OFFICE, DISTRICT AND PORT OF SITKA, ALASKA,
February 13, 1868.

Lieut. GEORGE W. MOORE, *Revenue Service.*

SIR: As the English steamer *Otter* is about to leave this port for trading parts in British possessions, and also desires to unlade passengers and a portion of the cargo at different points within American territory, and being desirous of extending every facility to the Hudson Bay Company in the matter of commercial relations consistent with the strict laws of the customs, and it being impracticable to comply at this point with some of the regulations incident to the carrying and transit trade along our coast and within our borders, you are hereby appointed as a temporary inspector and directed to accompany the said *Otter* on her trip through our possessions, affording every facility for the execution of legitimate rights, but taking every precaution to guard against a violation of the revenue laws, and to this end you will use you discretion in sealing hatches at night and enforcing other remedies the exigencies of the case may demand.

You will take and return to this office a correct list of the stores which the Hudson Bay Company have received permission to land at the mouth of the Stikine River for the use of their posts in their own possessions and to be taken up the said river the coming spring in transit to their posts; you will carefully compare the said merchandise with the entries made on the ship's manifest and note the fact.

These goods so landed will be stored in charge of Mr. Forsaith, the inspector of customs stationed at that point, by Captain Howard of the revenue cutter *Lincoln*, and he will be held responsible for their safe custody until spring, when the *Otter* or some other vessel of the Hudson Bay Company shall return to the Stikine, by a permit from this office, or other proper authority, to land the same in transit to the posts in their said possessions bordering the Stikine River. You will have written directions to Mr. Forsaith to accompany these goods through our territory to their destination and see that they are only landed on British soil, and that upon his return to [illegible] post he shall make a full report of his action to this office by the earliest opportunity.

You will permit Captain Lewis to land his Indian passengers at Chat[illegible]

together with their baggage and stores, under such restrictions as you deem proper to impose. You will also give permission to the ship to land at Misquiro Harbor and unlade the goods mentioned in their permit to Captain Lewis, the duties on said goods having been paid at this office.

You will also permit the vessel to lade the salmon belonging to one Baromvich at his post and take it away, first seeing that it is duly entered upon the manifest, provided, however, that you first make a careful examination of the said premises and vicinity, and if you discern liquors there in any quantities more than is reasonably allowable for the number of workmen employed, and ascertain that the same is sold or traded to the Indians in violation of United States laws, you will then seize all the effects, stores, etc., of the said Baromvich in the name of the United States and not permit the same to be taken away under any circumstances. In such a case you will take a complete inventory of the said stock in duplicate, keeping one and giving one to whoever may be in charge of the same, with a written notice of the seizure and a warning to all who may attempt to disregard it. Upon your return further action will be taken in the matter, as in such cases made and provided.

Captain Lewis will provide you at his own expense with suitable quarters, as becomes your position, and board, and will keep you until you have an opportunity to return on some upward-bound vessel or you shall arrive at Victoria, British Columbia. You will then return by the earliest means of conveyance to this port. You will be allowed all necessary and just expenses for the trip, vouchers for which, when practicable, shall be taken.

Wishing you a prosperous passage and trusting that you may learn many things of value to the customs and revenue service,

I am, sir, very respectfully,

WM. SUMNER DODGE,
Special Agent and Collector.

COLLECTOR'S OFFICE, *Sitka, April 3, 1868.*

CHAS. A. WALDEN, Esq.

SIR: You having been appointed inspector of customs at the mouth of the Stickine, in our new possessions, it becomes my duty to give you such instructions as shall enable you to faithfully discharge the trust imposed in you and protect the revenue of the country.

First. The principal object of your appointment is to superintend the shipment of merchandise belonging to the Hudson Bay Company from the mouth of the Stickine to their trading posts in British Columbia contiguous to American territory. To that end you will, when any of the vessels of this company come to the Stickine with a proper clearance and permit from this office, stating that such goods are destined to their posts in transit, allow such goods to be landed if necessary and reship in smaller boats to their destinations.

A manifest of such goods will always be forwarded you, and it will be your duty to see that these goods correspond in every particular with the manifest. You will take full charge and control of them and keep such possession of them until they shall have been landed at one of their posts on British soil, at which time you will release them and make your return upon the said manifest, stating the full particulars of their landing, transit, and delivery. You can not be too deeply impressed with the rigid exercise of your power in this particular. Prompt attention and careful watchfulness are necessary to protect the rights of our Government, as well as to secure the Hudson Bay Company from trouble and vexatious delays. At the same time you will exercise all the courtesy possible incident to the faithful performance of your duty.

Second. You will not permit any vessel to land any supplies at this point or any other point within your vicinity unless the master of said vessel shall have authority from this office or the Secretary of the Treasnry to do so.

Third. You will keep as careful watch as possible over all vessels that may be cruising along our territory or trading with Indians on our coast, and whenever practicable you will board such vessels, examine their papers, and see if they have the proper authority from this office. If not, you will carefully note their names, where from, and character of their cargo, and report the same at the earliest opportunity to this office or to the commander of the revenue cutter which will frequently cruise in these waters, that they may, if possible, be overhauled and seized.

You will be furnished with a copy of the Regulations, a careful study of which will render you familiar with your duty.

Your headquarters will be in what is known as the Telegraph Building, and if

The following from the collector of customs at Sitka, dated February 23, and the reply of the Department, March 8, 1894, relate to the appointment of two temporary inspectors for duty at Chilcat and their operations.

OFFICE OF THE COLLECTOR OF CUSTOMS,
Port of Sitka, Alaska, February 23, 1894.

The SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: During the coming month a large number of miners will go into the Yukon, and I received private information that they intend to pack considerable liquor with them, which must have been smuggled from British Columbia. Their starting point is Chilkat, and with a view of seizing the liquor, which they have no doubt hidden there, I have chartered a small sloop and put one of my inspectors in charge, and I have also sworn in two temporary inspectors for this work. I am in hopes of being able to do much toward preventing this continual violation of the liquor law. I therefore respectfully request the approval of James S. Slater and Severen Steffensen as temporary inspectors not to exceed thirty days at a compensation of $3 per day.

Very respectfully,

BENJAMIN P. MOORE, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 8, 1894.

COLLECTOR OF CUSTOMS,
Sitka, Alaska.

SIR: As recommended in your letter of the 23d ultimo, the employment, from date of oath, of the following-named persons as temporary inspectors for a period not to exceed thirty days each, with compensation at the rate of $3 per diem each, is hereby approved: James S. Slater, Severen Steffensen.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

The following, dated March 29, 1895, from the collector at Sitka, and Department letter of April 12, 1895, to that officer, relate to the appointment of an inspector for duty in suppressing smuggling at Dyea and Sheep Camp.

OFFICE OF THE COLLECTOR OF CUSTOMS,
Port of Sitka, Alaska, March 29, 1895.

The SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: I have the honor to nominate William C. Watts temporary [illegible] for the purpose of assisting the regular inspector [illegible] supposed to have been cached [illegible]



I therefore ask the approval of this nomination, not to exceed ten days at a compensation of $3 per diem.

This appointment is separate and apart from my request in letter to you of March 2.

Very respectfully,

BENJAMIN P. MOORE, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 12, 1895.

COLLECTOR OF CUSTOMS,
Sitka, Alaska.

SIR: As recommended in your letter of the 29th ultimo, the employment, from date of oath, of William C. Watts as inspector, at the rate of $3 per diem, is hereby approved.

Respectfully, yours,

C. S. HAMLIN,
Acting Secretary.

Newspaper clipping.

SATURDAY, *April 13, 1895.*

ALERT CUSTOMS OFFICERS—SMUGGLED LIQUOR—FOUND CACHED IN THE SNOW ON THE SUMMIT OF THE DIVIDE, 16 MILES FROM SHORE.

Collector Benjamin P. Moore keeps the revenue cutter *Corwin* dashing through the water at a lively rate. He realizes the need of rapid movements, for no other customs officer in the world has such an extensive coast to guard.

Last week he sent the *Corwin* to Dyea Inlet with Deputy Collector I. M. Hofstad, Inspector Paul Kegstad, and Deputy Marshal Watts aboard.

This trio of shrewd officials were put ashore at Dyea and at once took the trip to Sheep Camp, where they found Ex-Deputy Marshal Edwards, who shared his tent with them for a couple of nights. They climbed up to the summit of the divide in the face of a blinding snowstorm, and here, after prodding around in the deep snow for several hours, they then found 200 gallons of liquor, supposed to be the tail end of an enormous stock sent on a short time previous. The next query was what to do with the liquor. They tried to negotiate with the Indians to pack it to the ship, but they refused to touch it at any price unless the officials would first pack it themselves down to Sheep Camp, and from there they would take it to the Dyea for $10 per keg. As this was too much of an exaction, they preserved some samples in bottles and spilled the balance in the snow by chopping into the kegs with an ax.

Very few of Uncle Sam's officials would be able to follow smuggled goods 16 miles inland and discover its hiding place in the snow, and having accomplished this unexpected feat they deserve great credit for their faithful and persistent shrewdness.

Extracts from report of William Gouverneur Morris, special Treasury agent, Alaska, to the Secretary of the Treasury, dated December 7, 1881.

At Pyramid Harbor, Chilcat Inlet, the Northwest Trading Company and Kinney Brothers, of Astoria, have erected, respectively, two first-class canneries, and their first season's work has been satisfactory.

At Cape Fox, near the Portland Canal, on the boundary line, near 40° of north latitude, some young experienced fishermen from the

The steamer was coaled, watered, and transformed into a miniature gunboat. A Gatling gun was mounted aft and a brass Dahlgren 12-pounder rifle howitzer forward. The commander of the *Jamestown*, Master G. C. Hanus, and P. A. Surg. Nelson M. B. Ferabee were the complement of officers of the expedition. An additional engineer, pilot, interpreter, and 10 well-armed bluejackets completed the outfit. Additional boats were also shipped, the vessel put in regular fighting trim, and on the 14th day of August we left Sitka and steamed for Peril Straits, one of the most dangerous passages of the inland waters, yet unsurveyed by the United States.

Mr. Hanus was the hydrographer for the cruise. The manner in which he performed his duties will be found explained under remarks entitled "Coast survey."

Commander Beardslee represented the military portion of the command, while the writer did the civil functions as an officer of the Treasury Department.

The first tribe visited were the Kootznoos, dwelling on Admiralty Island, numbering about 800. Some time before our visit a portion of this tribe had been engaged in a fight with the Stikenes at Wrangell Island, where several were killed and wounded on both sides. Our object was to inquire into the matter, which we did, and the result determined was that the origin of this bloody feud was occasioned by the indiscreet zeal of a missionary at Wrangell Island, the Rev. Dr. Corliss, of the Baptist persuasion, who took upon himself the destruction of hoochenoo stills in the Indian village. Had he alone, aided by the white residents, undertaken the destruction of these stills, it is more than likely the Indians would have offered no resistance, but this gentleman, undertaking to wipe out the evil at one fell swoop, employed Stikine Indians, the hereditary enemies of the Kootznoos, to effect that purpose, and, as a natural result, as soon as the Stikines made their appearance in the camp of the former hostilities began and came near resulting in very serious consequences. Actual bloodshed was the result, and several were killed and wounded on both sides in a fight which occurred subsequently. Toyatt, a Stikine chief, well known as a church Indian, was, unfortunately, killed. This loss is much felt and lamented by the Presbyterian missionaries, as he was a most excellent man and one of the most intelligent and devout of the conversions made by Mrs. McFarland.

This ill-timed action of Dr. Corliss only goes to show how careful one must be in dealing with the Indian character. It requires years of care, judgment, and thoughtful study to comprehend these untutored men, and, while I would not intentionally or unintentionally do this reverend gentleman an injustice, I am unwillingly compelled to say that he acted without due reflection and in the most inconsiderate manner. While missionaries are endeavoring to educate and regenerate the Indian race of Alaska, I must freely admit that their calling most certainly is and only can be to preach the gospel and educate the rising generation. The destruction of stills for the manufacture of spirituous liquors does not belong to the clergy, but is the peculiar province of the military arm of the Government.

The *Jamestown* was at Sitka, and Captain Beardslee was always ready to sustain the law. Dr. Corliss should have applied to him. If the exigency of the case prevented such application, then for the time the offense should have been passed over. I can imagine no sta[illegible] of

coming up decided Captain Vanderbilt not to risk his insurance by making any further effort, and we about ship and ran for a former anchorage.

Our visit to the Chilcat country was rife with interest and productive of important results. We made our principal rendezvous at Portage Bay, where the Northwestern Trading Company have erected a very important post and where the Chilcats and Chilcoots will hereafter build the principal village of each tribe. One tribe will be on the right and one on the left of the trading post and mission buildings. The Indians will come from the interior villages and hereafter live close to the salt water. The situation is an eligible one and the Indians will be far better off. The location is better suited for the United States, for we can handle them with so little trouble alongside the water, whereas were they on the Chilcat River it would be exceedingly difficult to get at them at all. This change of base or location can in a great measure be attributed to the influence of our visit.

We found on our arrival a new house well constructed in charge of the company's agent, Dickenson, who is married to a full-blood Indian woman of the Tongas tribe. The latter is a very intelligent person, having been educated at Victoria, Vancouver Island. She speaks English both correctly and fluently and writes a very fair letter. She acts as interpretress for the two tribes and the trading post, and withal is a sound Christian woman, a missionary teacher, and of excellent reputation.

She has organized a school of her own, but owing to the distance of the villages but few of the children can attend. The company have offered to build a schoolhouse gratis, which, with a chapel there to be erected by the missionaries, will convert this desert place into one of the most thriving Indian villages on Cross Sound and important trading posts in the whole archipelago.[a]

This is a very shining example of what civilization and teaching will accomplish. One year since and there was not the most remote sign of a settlement or living thing at Portage Bay; now everything is changed. It is actually to be the headquarters of the two powerful chiefs of their respective tribes.

Here the Presbyterian mission is situated and thriving, and the commercial advantages to be reaped are quite extensive.

We happened in at a very opportune time, for war was raging between the Chilcats and Chilcoots. We very much desired to see Klotz Klotz, the well-known chief of the Chilcats, but he was blockaded in his principal village. This man has heretofore been very intractable and not well disposed toward the whites. Captain Howard, of the Revenue Marine, thus speaks of a visit made by him to his royal highness in 1867:

> At 1.30 five large war canoes came alongside, one with the Hudson Bay Company's flag flying, and Jack, pilot and interpreter, in full uniform of an English officer, came on board. The head chief soon arrived with his wife (daughter of the great chief of the Stikines) and were received in the cabin, where I had a long "talk" with him. He is a very quarrelsome Indian and tries one's patience exceedingly. Whisky not being given him he was much incensed and said: "If I had no presents, coats, trousers, and shirts, why come? Talk without whisky was nothing; s'pose plenty whisky and presents, then talk good."

[a] Since my visit to this locality in September, 1880, the Rev. Sheldon Jackson, D. D., has been there and located permanently a mission and erected the necessary buildings. The Rev. E. S. Willard and wife have been assigned to that post.

sity of their remaining at peace and submitting quietly to the authority of the United States Government, and of relying on its good faith and kind intentions toward them. I moreover told them that if they did molest the white people or destroyed private or public property that the Great Father would punish them severely. They made long speeches and stated "they were friendly to the whites and wished to continue so; that they talked every day good to their people and urged them to do nothing that would bring upon them trouble." They said, "The white man sell Indian rum, and then abuse him if he acts foolish." They moreover said: "Much that had been told about them were lies; the Russians steal and pull down stockade and say Indian done it." They pledged themselves to use every means in their power to keep peace and order, and that no disturbance should occur among their people and the whites if they could prevent it. I am firmly convinced that what they promised they meant to perform.

* * * * * * *

Very respectfully, your obedient servant,

J. M. SELDEN,
Captain, United States Revenue Marine.

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

U. S. REVENUE-MARINE STEAMER THOMAS CORWIN,
Port Townsend, Wash., September 11, 1879.

SIR: After forwarding my report from Sitka, dated the 12th ultimo, by the mail steamer *California*, I remained at that place until the 30th, then proceeded to visit the various tribes north and east, viz, the Hooners, Chilkarts, Ocks, Tarlooks, and Hootsnohoos, embracing a distance of nearly 500 miles, returning on the 27th to Sitka.

We found the people of the above-mentioned tribes engaged in trading, hunting, and preparing fish for winter use. All expressed themselves as friendly toward the whites; they are also at peace among themselves, which has not been the case for many years past. At several places, and particularly at Kake, they are shy of approaching the vessel until fully assured of our friendly intentions.

* * * * * * *

Seeing no further necessity of remaining longer in Sitka, and deeming it important equally to visit other points in the archipelago before leaving the waters of Alaska, I left there on the afternoon of the 28th ultimo, and proceeded by the outside passage and through Clarence Straits to Wrangell, where on the evening of the 29th we arrived.

Here I visited Mr. Dennis, deputy collector in charge. Wrangell is at the head of navigation for deep-water vessels bringing supplies for the mines up the Stakine River. It has grown to be a mining town in all its features, and has a population during the winter of two or three thousand whites and Indians.

* * * * * * *

Leaving Wrangell on the morning of the 1st instant, we proceeded to Kaita Bay, the home of the principal chief, Skoual, of the Hyda tribe of Indians, north of 54° 40′. We found this tribe, like the others, engaged in the usual occupation of hunting and fishing. We left this

Steamship Company. News of the intended visit of the Secretary had in some way reached Fort Wrangell and before the steamer arrived a large number of Indians had collected from the surrounding country. They came in their racing and war canoes and were dressed in their bravest attire. Our ship fired a salute from our battery of six 24-pounder guns as the Secretary steamed by and the wads from the guns striking the water created great consternation among the natives, who paddled off as fast as they could until the smoke cleared off and they could see that no damage had been done; they had probably never heard such firing before and did not understand that it was a salute. The Indians made much of the Secretary and got up canoe races and dances in his honor. They fitted out a great war canoe and took the Secretary and party some distance up the Stickine River.

From Fort Wrangell we returned to Sitka, where we remained during the visit of Secretary Seward, and after coaling and watering ship we made a cruise through the northern inland waters over much the same ground as covered by the *Wayanda* during the year previous. From Sitka we took with us several officers of the U. S. Army, among them being Col. Neal Dennison, Major Bell, and Lieutenant Livermore. During the cruise the army officers and officers of the vessel visited the various settlements and held councils with the natives. We took with us three of the principal Indian chiefs and their wives from villages on Lynn Canal and Glacier Bay and brought them to Sitka, where a grand dinner was given by the army officers and citizens at the Castle, the former residence of the Russian governor of Alaska, the Indian chiefs and their wives being invited. During this cruise, also, all trading vessels and large canoes under way were boarded and examined, as much smuggling from British territory was reported to be going on.

The latter part of this cruise was to the westward to Kodiak Island and the Aleutian group, the return being made by the way of Sitka and the inland passages of Alaska to Port Townsend, Puget Sound, where we were ordered to remain.

I made many other cruises to Alaska in the U. S. revenue steamers *Rush* (two vessels of that name, the old and new *Rush*) and the *Wolcott*, but did not again visit the northern inland waters.

I was with Captain Shepard in the *Rush* during his last cruise to Alaska, and we then went to Yukatat.

Respectfully submitted.

J. A. DOYLE,
Chief Engineer, U. S. Revenue-Cutter Service,
Assistant to Engineer in Chief, P. C.

U. S. STEAMER THETIS,
San Francisco, Cal., March 30, 1903.

The SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: Replying to Department telegram of the 28th instant, I respectfully forward the following in regard to my several cruises in Alaska:

My first visit to Alaska was on the revenue cutter *Reliance*, leaving

From the by-laws the following extracts are made:

HARRISBURG, *February 9, 1881.*

An adjourned meeting of the miners of Harris district was convened at the house of P. McGlinchy at 12.30 p. m.

The minutes of the previous meeting were read and approved.

The following preamble and resolution was then read by T. A. Wilson, and passed:

"Whereas none but bona fide American citizens have a right to participate in making laws for the government of American citizens, and but few of those present being able to prove their citizenship: therefore be it

"*Resolved*, That as a proof of citizenship all persons wishing to participate in this meeting be required to make oath to the same before an officer competent to administer oaths."

The following resolution was then passed:

"*Resolved*, That it is the wish of the miners present that Lieut. Commander C. H. Rockwell, U. S. Navy, be requested to administer the oath that they are citizens of the United States to those present who desire to take the same."

Lieut. Commander C. H. Rockwell then administered the following oath to the following-named persons:

* * * * * * *

The committee appointed at the previous meeting to draft a code of laws for the government of this mining district presented the following preamble and laws, which were adopted:

Whereas valuable mines having been discovered by Richard Harris and Joseph Juneau on the mainland of Alaska, during the month of October, 1880, and no legal code of local laws having been made, the miners residing near these discoveries now think it prudent to have a code of local laws in accordance with the custom of miners and the laws of the United States, do now enact the following articles: * * *

Abstract of mineral locations in the vicinity of Lynn Canal, 1885 to 1895.

Name: Berners Bay Lode.

Locality: On the easterly side of Berners Bay and opposite to Point St. Marys.

Date of location: May 30, 1885.

Date of registry: June 3, 1885.

The above-named lode, being Sitka, Alaska, M. E. No. 70, was patented Feby. 16, 1900, under mineral patent No. 32093, United States.

Name: Northern Light.

Locality: On east side of Lion Head Mountain, about three miles west of Berners Bay.

Date of location; June 30, 1886.

Date of registry: August 9, 1886.

The above-described claim and the adjoining Northern Light Extension No. 1, or Emma, and Northern Light Extension No. 2 lodes, 59.19 acres, Sitka, Alaska, M. E. No. 86, were patented December 10, 1902, under mineral patent No. 36096.

Name: The Kensington.

Locality: About twelve miles north of Berners Bay, up Lynn Channel, about three miles from the beach and what is known as Seward City.

Date of location: October 10, 1886.

Date of registry: November 22, 1886.

Copy of location notice of the Kensington lode claim, which, with the Yellow Jacket, Eureka, Northern Bell, and Elmira lode claims, 93.27 acres, being Sitka, Alaska, M. E. No. 47, was patented March 15, 1895, under mineral patent No. 25362.

commandant of the post in a walk through the fortifications and barracks and the roadways of the incipient town.

The Stakeen River was the only point besides Sitka which had yet attracted any immigration. The accounts of gold found in the upper waters had brought a good many miners from California and Oregon. Here Seward, accompanied by some of the officers and passengers, left the ship for a boat excursion of two days up the river as far as the boundary line between Alaska and the British dominions. It was a picturesque and instructive trip through the mountain passes, and enabled them to gain an idea of the nature of the climate, soil, and products of the interior region, different in many respects from those of the archipelago and coast.

Once more on board the *Active*, the next visit was to Fort Tongass another of the Alaska military posts.

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And now came the day of final farewell to Alaska. The *Lincoln* accompanied the *Active* to the line of British Columbia and gave her a parting salute as she steamed over to Fort Simpson. From here the return voyage through Grenville Channel and Queen Charlottes Sound, past Bella-Bella and Fort Rupert, and through the straits and channels of Vancouvers Island, was like the upward one. This time, however, the smoke of burning forests was gone and only an occasional sea fog in its place.

THE TLINKIT INDIANS OF SOUTHEASTERN ALASKA

From the Tlinkit Indians, by Dr. Aurel Krause-Jena, 1885.

[Translation.]

Page 70.]

With American domination a new spirit began to pervade the land, exercising a destructive effect on the individuality of the native tribes which had thus far remained rather unchanged. The Russians living among the natives had been accustomed to adapt themselves to their customs and manners as well as their mode of life, and, as Vancouver remarked, they differed little from the natives. The Americans, however, who, seeking their fortunes, poured into the country, cared very little for the manners of the Indian population, and regardless of the latter they pursued their aims, even when living among them in blockhouses as traders or gold seekers. It naturally followed that the ancient customs, spurned as they were by the strangers, fell into desuetude and were supplanted by habits and customs of the whites whose superiority the natives recognized more and more in proportion to the bold attitude assumed by the former. The Americans, furthermore, endeavored more and more by various industrial enterprises to develop the country's resources and to start up a more active intercourse with the Indian than had been the case during Russian domination. At different points trading posts and canneries of salmon were established, and in 1882 a fish-oil factory at Killisnu. The discovery of auriferous quartz strata in the mountains greatly increased the influx of adventurers who in quest of the precious metal roamed all over the land and by their abandoned mode of living exercised a pernicious influence over the natives.

Gold had first been discovered in British Columbia in 1858. In 1872 the so-called Cassiare mines were found in latitude 59° north, at the fountain head of the Dease River, near Lake Dease, the upper end of which is separated from the Stakhin River only by a few miles of flat land. These mines furnished a rich output and gave rise to lively intercourse on the Stakhin River, which was shared in by the native Indians. In 1875 there were 800 gold seekers in the Cassiare mines, whose number in 1877 rose to 1,200—among them 300 to 400 Chinese. On account of the severe winters these miners sought a milder climate along the coasts, and hundreds of them regularly stayed at Fort Wrangell, living with Indian wives and passing the time in playing cards and drinking brandy.

In 1871 a former soldier named Doyle discovered gold near Sitka, but the search proved disappointing. In 1880 richer gold fields were struck near Taku Bay and opposite Douglas Isle. In 1881 there were 80 gold seekers there, living in 40 log huts, and in the hope of easy gain 200 Indians established their wigwams in that neighborhood.

After the withdrawal in 1877 of the military, leaving no other authorities than the customs officials, the Tlinkit Indians who had been overawed, resumed their former overbearing attitude. Numerous troubles that arose, and in the settlement of which the Indians were favored, led to the belief that more serious outbreaks might ensue. They were kept in check, however, by the demonstrations of naval commanders in Alaskan waters. Whether the endeavors of the Presbyterian missionary societies to civilize the Tlinkit and to prevent them from going down—demonstrations of force having had the opposite effect—is decidedly doubtful. Better results might be looked for from the establishment of a firm government to put an end to the present lawless condition.

THE HOME OF THE TLINKIT.

Chapter 2, page 75.]

The Tlinkit territory extends from the fifty-fifth to the sixtieth degree of north latitude. The ragged condition of the coast, beginning north of Fuca Straits, continues to Cross Sound south of the fifty-eighth degree of latitude. A great number of larger and smaller islands is separated from the continent by narrow sounds.

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Especially noteworthy among the sounds is Chatham Strait, which, with its continuation, the Lynn Canal, extends north through three degrees of latitude.

* * * * * * *

South of Yacutat Bay the small river Altsech empties into the ocean, through the valley of which river the Tschilkat Indians sometimes descend to the sea.

Into the northwestern branch of the Lynn Canal the Tschilkat River empties. From its territory several passes lead to the Altseach, to Yacutat Bay, and to the rivers that join to form the Yukon. The latter may be reached more readily by way of the valley of the Deje River, emptying into a bay of the same name and forming the northeastern branch of the Lynn Canal.

Into Taku Bay, rich in glaciers, the Taku River empties, from the

Fort Simpson in following the course of the Iskut, a tributary of the Stahkin River and the Nass River. * * *

The Klawak tribe is very small, numbering only about 27 heads. This figure of the Census Office may, however, not be reliable. Their village, consisting of a few wretched huts, lies in the interior along a winding inlet of many windings and rich in small islands. In their vicinity the Americans have started a salmon cannery. * * *

Each of the 13 Tlinkit tribes is composed of several families, each family having an animal for a coat of arms. The families comprise two groups—the raven group and the wolf group.

* * * * * * *

The most important of all the families is the Kagontan, with headquarters at Klakwan, the largest of the Tschilkat villages. This family was formerly settled near Ledjanow Promontory, at a place called Kaknan, which may possibly be identical with the Gandekan of the Hunas. The present chief of the Kagontan family in Klakwan, old Tschartritsch, asserted, however, that his ancestors had come over from Sitka.

* * * * * * *

MISSIONS AND ENDEAVORS OF CIVILIZATION.

The system of missions and schools which had been steadily flourishing in Alaska among the Tlinkit and other Indian tribes received a serious check when, in 1867, that country passed into the hands of the United States. The Russian schools at Sitka were closed and nothing was done by the American Government for the establishment and maintenance of new ones. Not until ten years afterwards was there a reawakening of missionary activity, the Board of Home Missions of the Presbyterian Church having taken the initiative in this matter. Similar missionary efforts, which had been crowned with success during a number of years in the adjacent British territory among the Tchimssi Indians, lent an impulse to American endeavor, it being of the utmost importance to the development of the entire Indian population of the northwestern coast in view of the lively intercourse of the tribes with one another.

TRADING HABITS.

Simpson reports, in regard to the Secatquonays, a Tlinkit tribe settled near the mouth of the Stakhin River, that they made trips into the interior to obtain furs for trading. Three or four times a year, it is said, they would go to some place in the interior that had been designated as a market place and was about 60 miles (English) from Lake Dease and 150 miles from the seacoast and was inhabited by Niharnie Indians. These were under a female chieftain, who, in the winter of 1838–39, kindly received the trader Campbell, who had probably been expelled from the newly established trading post by the Indians on the seacoast. The same female chief occasionally journeyed to the seashore, and on such occasions was, quite as much as Campbell had been, an object of great jealousy on the part of the Secatquonays.

The Taku Indians likewise carried on in Simpson's time quite a profitable trade as middlemen with the inhabitants of the interior by ascending the river in canoes for 100 miles (English), in spite of the strong currents, and then by traveling on foot a similar distance to the market place in the interior.

In 1877 Dr. Sheldon Jackson, by direction of the Presbyterian Board of Home Missions, visited southeastern Alaska, accompanied by Mrs. McFarland, also a missionary, who at once assumed charge of the school at the fort. The McFarland home for girls was founded during the following year to prevent the sale of girls by their parents to gold seekers and traders. The home had 30 inmates, and the school connected therewith and in charge of a Miss Dumbar was attended by 60 pupils. A church was built in connection with these institutions, with Rev. S. H. Young as preacher. The large number of pupils that came to Fort Wrangell from other Indian tribes were taught on the shore by Dr. Corliss and Rev. Young.

Other schools were opened elsewhere and rose to importance, particularly in consequence of the assistance and support tendered them by Captains Beardslee and Glass, of the U. S. Navy, stationed in Alaskan waters.

Then came the establishment of schools and missions among other Indian tribes of the Tlinkit in southeastern Alaska, in 1880. At Tschilkat, a trading post, a school was opened by Mrs. Dickinson (already mentioned elsewhere), which in the following year was taken charge of by Rev. Willard. In 1882 it had 70 pupils.

In the Tschilkat village Klokwan 60 children were taught in a house provided by the Indians, by a half-breed Indian named Paul and his Indian wife, who had been educated at Fort Wrangell.

In connection with the trading station of the Northwestern Trading Company at Gandekan, a Mr. Styles opened a school in 1880 containing 80 pupils, and in the summer of 1881 Rev. Dr. Corliss opened a school in a fishing village of the Taku Indians on the Taku River some distance from its mouth.

The mission field in southeastern Alaska is not, however, entirely in the hands of the Presbyterian Church. The Russian Government maintains a priest in Alaska who looks to the interests of the Greek Church, the faith of which has been embraced by quite a number of Indians from various tribes, and now and then proselytes are made everywhere.

Almost all the Tlinkit tribes are favorable to the establishment of missions and schools, if only from sordid motives or from emulation, and it is not difficult to persuade them to give their active support to both church and school and to keep the Sabbath, except when loss of time in fishing would mean the impairing of the means of livelihood.

From The Chilcat territory in Alaska, by Dr. A. Krause. (In German Geographical Publications, Bremen Geogr. Soc., 1882.)

[Translation.]

[P. 345.] More accurate information regarding the Chilcat territory was received through Davidson (United States Coast Survey, 1869, Appendix 177), who during the summer of 1869 remained for a short time at the lower part of the Chilcat River in order to observe a total solar eclipse. He it was who determined the exact location of Pyramid Island at the mouth of the Chilcat River and of the Indian village Kloquan farther up on the same river.

Since the transfer in 1867 of Russian North America, by purchase, to the United States, a throng of adventurers, gold seekers, and traders in all sorts of goods has been pouring into southeastern Alaska, the Sitka district; but the more remote Chilcat territory has only been recently explored by them. In 1880 a trading post was established on the shores of Portage Bay, by the Northwestern Commercial Company, and this was followed in 1881, in the same locality, by a mission building and schoolhouse by the Presbyterian Home Mission. At the same time gold seekers appeared at the Lynn Canal. From the mines at the Feather River, in British Columbia, they had pushed farther and farther north in quest of the precious metal. For a decade or more the Cassiare Mines, situated beyond the Pacific watershed near the rise of the Dease River had been alluring to thousands of gold diggers who made Fort Wrangell, in Alaska, the base of their inland journey and partly also their winter quarters. Now those mines are almost deserted, while in 1880 at the southern part of the Lynn Canal, at the Gastineaux Canal, between Douglas Island and the continent, gold was found in paying quantity, which has resulted in the rise there in the primitive forest, of a small gold-digger town, named Juneau, where in the summer of 1882 about 300 whites and a number of Indians were busy with quartz crushing and washing of the auriferous ore.

During the last three summers, moreover, smaller parties of gold seekers passed from the northern end of the Lynn Canal along the old Indian trail, penetrating into the interior as far as the Yukon. During the past years there were altogether 24 persons, forming three parties, some of whom intended to winter in the interior in order to be able to start on their journey early the following year. So far as I know these were the first white men that reached the Yukon by that route. It has been reported, it is true, that the Hudson Bay people, who, late in the thirties, first entered on the Yukon territory at the Pelly River, had encountered a company of Russian traders on the banks of the Russian lake Tahco (or Kussooa), from which the Lewis River flows. In such a case these traders could have come only from the Chilcat region or the valley of the Taku River, or maybe by Russian traders the report only meant Chilcat Indians (Kaloshs), who had come with Russian wares from the coast. In favor of this interpretation is at least the well-known jealousy with which this powerful tribe, formerly more than at present, endeavored to protect trade with the inhabitants of the interior as their own monopoly.

The cartography of the Lynn Canal is based at this very date chiefly on the surveys of Vancouver's lieutenant, Whidby, made in July, 1794, by a few boats of the *Discovery*. In 1838 a certain Lindenberg, who was in the Russian service, started on an exploring expedition to the northern part of the Lynn Canal, which resulted in the publication by him of a chart of the mouth of the Chilcat River. I have never seen that chart, but I have seen an English chart of 1853, prepared chiefly from Vancouver's reports making use of the latest Russian surveys. To judge from this, no improvement has resulted for the northern part of the Lynn Canal. In 1880 a new survey was made of the Lynn Canal by Lieutenant Symonds, of the U. S. S. *Jamestown*, during his expedition to the upper Chilcat village, Kloquan. The chart embodying his observations and inquiries (225, U. S. Hydrographic Office, 1882) shows a number of valuable details regarding the northern part of the Lynn Canal, especially as regards the location of Indian villages, num-

ber of inhabitants, the existence and location of two large fresh-water lakes, and of the narrow Dejah Fiord in the northeast (Tyya Inlet on the map). As for the rest, the map merely represents a preliminary investigation, rendering it difficult at times to identify some of the numerous places only recently become known.

The mapping out of the Chilkat River, which on this occasion was navigated for 30 miles above its mouth, is little to be relied on, and so far as that part is concerned, which he himself did not see, but which was drawn in accordance with information furnished by natives—namely, its upper course and connection with the Kussooa River—it is totally incorrect.

POPULATION OF THE CHILCAT TERRITORY.

It is proper to add a few words regarding the native population of Chilcat. The Indians form a particular tribe—Chilcat-kon—of the nation of the Tlinkit, whose abodes extend from the southern point of Prince of Wales Island to Yacutat Bay, including both islands and continent. There are four Indian villages in this territory—one of 16 houses and 171 inhabitants, at the mouth of the Chilcat River, named Jendestaka; another, some 20 miles farther north, which is the largest; Kloquan, consisting of 65 houses with 558 inhabitants; not far from this a third, Katkwaltu, of 11 houses and 125 inhabitants; and a fourth, the Chilcoot village at the outlet of Lake Chilcoot, having 8 houses with 127 inhabitants; and a hamlet, Tanany, of 2 houses and 20 inmates. Since the establishment of the factory and mission on Portage Bay the inhabitants of Chilcoot and Jendestaka have built for themselves small dwellings in very close proximity, but in the spring they always return to their old villages.

From time immemorial, or at least long prior to any acquaintance with white settlers, the Chilcat Indians have had commercial intercourse with the inhabitants of the interior, a tribe of the Tuineh nations, called by them Gunanah. The products of the latter are probably the same as formerly, namely, skins and leather; the wares furnished in exchange by the Chilcat Indians being such as they obtain from white traders, especially firearms and ammunition, knives and axes, blankets and dress goods, and occasionally whale oil and a sort of liquor of their own distillation, which they make out of fermented solutions of sirup or molasses. When the Hudson Bay Company extended its trading posts from the Mackenzie to the Yukon, the profitable trade of the Chilcat Indians was seriously damaged. The destruction of Fort Selkirk, which took place in 1851, was therefore, in all probability, the retributive work of the Indians. Frequently some of the Indians from the interior visit their trader friends, but never would these permit them to commence trading with white persons, for they would at all hazards, even if it required force, preserve for themselves the intermediate trade and the profit connected therewith.

of Portland Canal. Mount St. Elias is located fully 1° east of the meridional part of the boundary, which is in the correct longitude. The title of this map is "A map of North America, constructed according to the latest information, by H. S. Tanner. Improved to 1825." Date of original entry and publication, 1822.

17. (1827.) New General Atlas, Edinburgh, John Thompson & Co. 1827.

The map of North America shows a distinct range of mountains along the coast, but shows no boundary line whatever. The name of Portland Canal does not appear.

18. (1827–1834.) Map No. 60, from Piadischeff's Atlas of the Russian Empire, published at St. Petersburg between 1827 and 1834.

This map shows the boundary between Russian and British America as usually drawn. It formerly belonged to Senator Charles Sumner, and was given to the Harvard Library by him in September, 1867. This is probably the map upon which M. de Stoeckl explained to Mr. Sumner the limits of the Russian possessions, as mentioned in the note introductory to Mr. Sumner's speech on Alaska in Vol. XI of his collected works, Boston, 1877. The original map, duly authenticated, will be submitted to the Tribunal for inspection.

19. (1829.) Historical Account of Discoveries and Travels in North America, 2 vols. Hugh Murray, London, 1829.

In volume 1 is a map on a small scale, with few details, upon which the Russian boundary is represented as a continental line and substantially as usually drawn, except that the boundary is carried along the west shore of Portland Canal instead of following its center line.

20. (1830.) Atlas, etc., by Sidney Hall, London, Longmans, 1830. Map 45, British North America. April 1, 1829.

Shows the Russian boundary as usually drawn and marked "Boundary settled, 1825." Mount St. Elias is correctly located. Norfolk Sound is given, but there is no mention of New Archangel. Lynn Canal is named, but not Portland Canal or Observatory Inlet. The United States boundary comes up to 54°, taking all of the mainland down to 42°, but Vancouver and Queen Charlotte Islands are given to Great Britain.

21. (1830.) Edinburgh Encyclopædia. Edition of 1830.

This work contains a map of North America which does not indicate the boundary of the Russian possessions, but which shows a definite range of mountains paralleling the coast of Southeastern Alaska.

22. (1830.) New General Atlas. Sidney Hall, London, 1830.

Map 45. British North America. This is rather a small scale map, but the Russian boundary is shown as usual. Portland Canal is not named. There is no definite mountain range along the coast. Pearse Island is apparently shown, on the Russian side of the inlet, but Wales Island is not indicated.

The edition of 1857 is about the same in regard to the coast line and the boundary, though it has many additions in the interior.

23. (1831.) "Map of the northern part of North America, compiled from the latest and most approved astronomical observations, authorities, and recent surveys * * * by Joseph Bouchette, Junr., Deputy Surveyor General of the Province of Lower Canada. May 2, 1831."

The boundary of the Russian territory on this map is somewhat rudely drawn, having very few inflections to follow the sinuosities of the coast, but it is correct in all essential matters, following a course, at some distance from the sea, from Mount St. Elias to the head of Portland Canal.

24. (1831.) Society for the Diffusion of Useful Knowledge. A series of maps, modern and ancient. London, Baldwin & Cradock.

Map No. 5, "Circumjacent the North Pole, June, 1831," shows the boundary of Russian territory with substantial accuracy, though on a very small scale. None of the canals are named, and very little detail is given.

58. (1852.) Map of North America by J. Calvin Smith. Published by J. Disturnell, New York, 1852.

This map is on a rather small scale, say 200 miles to the inch. It shows the boundary of Russian America correctly, but does not name the canals or carry the boundary out to sea. No definite mountain range is indicated. Mount St. Elias and Mount Fairweather are given, and also some indications of mountains well back in the interior.

59. (1853.) A School Atlas of general and descriptive geography. Alex. Keith Johnston, Edinburgh and London, 1853.

Plate 18, North America, shows the boundary of Russian America as claimed by Russia and the United States.

60. (1854.) Travels in Siberia, by S. S. Hill, London, Longmans, 1854. 2 vols.

A map of the Russian Empire in vol. 1 includes the Russian territory in North America, the boundary between that and the British territory being correctly shown.

61. (1856.) Track Chart of the United States North Pacific Surveying Expedition, John Rodgers, U. S. Navy, commanding, 1854–1856.

This map shows the boundary of Russian America as it is given on the British Admiralty charts.

62. (1856.) Black's Atlas of North America; Edinburgh, Adam and Charles Black, 1856.

Map No.1, North America, has the boundary of Russian America drawn as usual to the head of Portland Canal.

Map No. 2, British America, is about the same, though on a larger scale. This atlas is noteworthy for the fact that it shows the Yukon and Porcupine uniting to form the Kwichpak, the whole representation of the rivers being very good for that day.

63. (1856–1876). Stieler's Hand-Atlas, Gotha, Justus Perthes.

The map of North America, in the 1856 edition, has the boundary of Russian America drawn in the usual manner. The name of Portland Canal is not given.

In the 1876 edition the drawing is the same, except that the name Alaska is substituted for Russian America.

64. (1857). Wyld's Atlas. London.

The line is drawn as usual, in the same manner as in edition of 1852.

65. (1857.) Report from the select committee on the Hudson's Bay Company, etc., with maps. House of Commons, 1857. (Blue book.)

It contains three maps: (1) Map of North America drawn by J. Arrowsmith. The scale is about 200 miles to the inch. Although styled a map of North America, it includes only a small part of the United States. The boundary of Russian America is drawn in the usual way from the Arctic Ocean, at Demarcation Point, to the head of Portland Canal, where it terminates.

(2) Aboriginal map of North America denoting the boundaries and the locations of various Indian tribes. The authorship of this map is not stated. It is on about the same scale as map No. 1, but includes the whole of the United States. The customary boundary of Russian America is indicated by colored bands.

(3) "Map of the northwest part of Canada, Hudson's Bay, and Indian Territories. Drawn by Thos. Devine by Order of the Hon^ble^ Joseph Cauchon, Comm'r of Crown Lands, Toronto, March, 1857." Reproduced in the Atlas accompanying the Case of the United States. See map No. 19.

66. (1857.) "Map of N. W. part of Canada, Indian Territories, and Hudson's Bay. Compiled and drawn by Thomas Devine. Toronto, Maclear & Co., 1857. Canada—Crown Lands Department."

This is the same as No. 3 in last citation, but on a much larger scale.

5 miles; thence it bears in a more northerly direction 5 leagues farther, and then trends a little to the eastward of north, terminating in low, marshy land, in lat. 55° 45′, 70 miles from its entrance into Chatham's Sound. * * * The northern shore of the inlet, between Point Wales and Point Ramsden, is formed by several islands, behind which a channel runs parallel with the direction of the main inlet.

OBSERVATORY INLET.—The principal inlet runs in a N. E. ¼ N. direction, and at 21 miles above points Maskelyne and Wales the Portland Canal diverges from the principal one at Point Ramsden. Off this point are some dangerous rocks, only visible at low water, and opposite to it is a deep bay, with very shallow water all around it, except in the NE. part, where a branch enters, bringing down muddy water, which is distinguished flowing down the principal arm. Beyond this bay to the NE. the inlet is in general about half a league wide. The shores on both sides are straight and compact; a counter tide, or strong undertow, is felt here, which very much embarrasses a vessel."

Page 456: "LYNN CANAL.—Beyond this the arm diverges into two branches, the west one terminating in its navigable part in latitude 59° 12′. At its head, according to Lisiansky's chart, is the native village of *Chilkat*. * * * This peninsula [Seduction Point] is a narrow strip of low land, 1 or 2 miles across, separating the western from the eastern arm, which extends N. by W. ¾ W. about 11 miles, and thence winds in a westerly direction about 3 miles farther, where it terminates in low land, formed immediately at the foot of high, stupendous mountains, broken into deep gullies, and loaded with perpetual ice and snow. * * *

Lynn Canal * * * receives a river, which the Indians ascend about 50 miles to a valley running toward Mount Fairweather and containing a large lake, which pours its waters into the open ocean at Admiralty Bay."

EXTRACT FROM THE "IMPERIAL GAZETTEER," PUBLISHED BY BLACKIE & SON, EDINBURGH AND LONDON, 1855, HAS THE FOLLOWING IN AN ARTICLE ON "RUSSIAN AMERICA."

"Russian America, according to the treaties with Great Britain and the U. States, in 1824 and 1825, comprehends all the American coast of the Pacific and the adjacent islands N. of the parallel of 54° 40′ N.; and the portion of the mainland W. of the meridian of 141° W., which passes through Mount St. Elias. Area, 435,957 geo. sq. m. The part of the mainland S. of Mount St. Elias consists of a narrow belt, which is continued along a mountain ridge parallel to the coast, and has nowhere a greater width than 10 marine leagues, or about 33 miles.

Letter of General Aid-de-Camp Crabbe.

(No. 4029, October 18, 1867.)

No. 2108.]

HYDROGRAPHIC DEPARTMENT OF THE MINISTRY OF MARINE,

St. Petersburg, October 14, 1867.

To the Adjoint of the Minister of Foreign Affairs:

In reply to your excellency's letter dated October 10, No. 6783, I have the honor to inform you that the maritime frontiers are generally not

expired two years from the date of the first meeting of the commissioners—that is to say, on the 28th November, 1894, was extended to the 31st December, 1895.

The treaties relating to and defining the international boundary line between Canada and the United States of America in the region in question are the treaty between Great Britain and Russia, dated 28/16 February, 1825, and the treaty between the United States and Russia dated 30th March, 1867.

Our commission, under said Article 1 of the convention of 1892, applies only to that portion of the boundary described in these treaties from the southernmost point of Prince of Wales Island to the one hundred and forty-first meridian.

With a view to the performance of the duty imposed upon the Commissioners under the Convention of ascertaining the facts and data necessary to the permanent delimitation of the boundary line, and under the option allowed them of making either a coincident or joint survey, Dr. Thomas C. Mendenhall, at the time Commissioner for the United States (since replaced by the undersigned, William Ward Duffield), together with the undersigned British Commissioner, having considered the large extent of unknown territory involved and the comparatively short time allowed for the survey, determined that it was advisable to make the survey a joint one; that is, to partition among the officers working under them respectively the territory to be surveyed, arranging at the same time that each commissioner should detail attachés to accompany the several surveying parties of the other, for the purpose of observing and verifying their work.

The United States Commissioner undertook to make surveys of as precise a nature as practicable of the principal water courses which traverse the coast strip, and the British Commissioner undertook to make a photo-topographical survey of the mountainous regions lying between these various water courses.

A preliminary trignometrical survey of the principal deep-water passages, including the continental shore line from Portland Canal to Lynn Canal, had already been completed by the United States Coast and Geodetic Survey; and careful determinations of the geographical positions of Mount St. Elias (as hereinafter given) and of various mountain peaks in that region were made by the same organization in 1892, at which time a partial survey of the shore line of Yakutat Bay was also made. This completed work helped to coordinate the detached surveys of the various parties sent out by the two Commissioners.

In pursuance of this plan, during the year 1893, the following gentlemen were given parties on behalf of the United States, namely:

Mr. Dickins, on the Unuk River.

Mr. Tittmann, on the Stikine River.

Mr. McGrath, on the Taku Inlet.

Mr. Ogden, on the Taku River.

Their duties were to make surveys of these waterways, and to procure as much information as possible as to the topography of the adjacent regions. Mr. Driscoll accompanied Mr. Ogden as attaché appointed by the British Commissioner, and Mr. Robertson accompanied Mr. Tittmann in a like capacity. Mr. Dickins' survey of the Unuk River was made in conjunction with Mr. Saint-Cyr, of the British Commission, who, besides making a traverse of the Unuk River,

in time, as exposure and consequent disintegration take place, creeps upward. Now, there are many points in the area above referred to where this process of forest creeping has not yet reached the limit set by climatic conditions, and hence we find timber lines near each other, but varying in altitude by hundreds of feet. This is most noticeable on the west side of Lynn Canal. Naturally, we would expect the timber line in the south to be higher than in the north; but, as a matter of fact, it is the reverse there, being scarcely 2,000 feet for the former and nearly 3,000 feet for the latter. In general, the timber line on the east side of Lynn Canal is somewhat higher than on the west side. Around Juneau the timber line does not reach the 2,000 feet limit. Between the entrance of Glacier Bay, across Dundas and Taylor Bays and Cape Spencer, the timber line may be put at 2,000 feet above the sea.

In Glacier Bay, northward from the entrance, the timber line rapidly descends, and in the northern part the forest practically disappears altogether. In fact, along many of the smaller bays there, no wood whatever is found. This phenomenon is plainly indicative of the recent recession of the vast complex of glaciers. On the outside, between Lituya Bay and Cape Spencer, the line is barely 2,000 feet, while in Yakutat Bay it is 1,500 feet. Most of the mountains between Yakutat Bay and Lituya Bay are not timbered at all; but this is probably due—up to 2,000 feet—to the fact already stated, i. e., that the recession of the glaciers is too recent to admit of the necessary disintegration for vegetation to spring up, as well as to the effect upon the temperature of the nearness of the existing glaciers.

The altitude of the timber line at various points is as follows:

	Maximum.	Average.
Portland Canal	2,600	2,500
Unuk River	2,900	2,600
Burroughs Bay	2,800	2,500
Bradfield's Canal	2,700	2,500
South of Stikine	2,700	2,500
North of Stikine	.....	2,500
Thomas Bay	.....	2,500
Endicott Arm	2,500	2,300
Snettisham Bay	2,700	2,400
Taku Inlet	.....	2,200
East side Lynn Canal	2,900	2,500
Head of Lynn Canal	3,000	2,500
West side of Lynn Canal	2,400	2,000
Outside, west of Cape Spencer	1,500	.....

It is understood and agreed that in signing this joint report and signing and accepting the maps they have submitted, it is not therefore affirmed or admitted by the Commissioners that there is authority for the application of the names used to designate the various places, mountains, bays, channels, islands, etc.

In witness whereof we have hereunto set our hands at Albany, New York, this 31st day of December, 1895.

W. W. DUFFIELD,
United States Commissioner.

W. F. KING,
Her Majesty's Commissioner.

NOTE.—The charts and photographic views prepared jointly by the United States and British Commissioners will be presented to the tribunal upon their assembling at London.

After leaving Fort Wrangell, at which point a party was landed from the steamer *Hassler*, which was in company with the *Patterson*, we passed through Wrangell Strait into Frederick Sound, and thence up Stephens Passage to Holkham Bay, where a stop was made. A Canadian party was landed at this point from the Dominion steamer *Quadra*, which accompanied the American steamers, and with that party went an American observer, Mr. Welker. At that point I was transferred to the *Quadra* to join the party of Mr. William Ogilvie, of the Dominion Land Survey, who was in charge of the northern section of the Canadian part of the survey.

The *Quadra*, on the following day, proceeded to Juneau, a mining camp on the mainland shore of Gastineau Channel, which separates Douglas Island from the continent. Mr. Ogilvie and I landed and went into camp on Douglas Island, nearly opposite Juneau, on May 12. As soon as possible, the work of mountain climbing was begun, Mr. Ogilvie's plan being to make a photographic survey of the coastal region from Taku Inlet northward along Lynn Canal. For the purposes of such work, clear weather was absolutely necessary, both for the safety of the party in climbing these unknown mountains and for the purpose of making the necessary photographs when on a summit. Ascents were therefore made only in fine weather, which seriously limited their number.

After some time spent at our first camp, we moved to another at the mouth of Sheep Creek, on the mainland southeast of Juneau, and from there to the mouth of the Taku River, where we spent the Fourth of July. From there we moved to a cove on the eastern side of Taku Inlet, at which point we had continuous rainy weather for three weeks, and from there to a camp at the upper end of Gastineau Channel, northwest of Juneau, at which point I left Mr. Ogilvie, when he was about to move farther north, and returned to Juneau and thence to Sitka, where I joined the *Patterson* about September first, in accordance with instructions received by me.

Mr. Ogilvie remained in the field a few weeks after my leaving him, but owing to bad weather he was not successful in making many more ascents, according to information which I subsequently received.

With regard to the characteristics of the coast and of that portion of the interior which came under my observation, I can say that my recollection of the shore of the continent northward from Dixon Entrance is that in general the land rose abruptly and sometimes precipitously from the water's edge. My recollection is that the Cleveland Peninsula was less abrupt than the remainder of the continent, and that it rather resembled the larger islands in general features. The slopes were generally heavily forested to a height of 1,000 or 1,500 feet, the altitude of the timber line varying considerably in different districts, and generally growing lower with increasing latitude. The continental edge, though generally high, varied much in altitude, many summits being above the average, while there were occasional breaks of lower land or cross valleys through which glimpses could be obtained of higher mountains farther back, although the mountains immediately bordering the coast generally served to prevent any extensive inspection of the interior.

On the other hand, after ascending a mountain so as to be above this coastal barrier, an extensive view of many miles in almost any direction was open to observation.

The general character of the region between the Taku Inlet and Lynn Canal, which included most of Mr. Ogilvie's stations, is that of a plateau of ice and snow, from which rise numerous peaks, and which is carved into many short ridges separated by deep valleys, which are frequently occupied by glaciers. The summit elevations show a general tendency to increase with increasing distance from the coast. On the part of the coast near Juneau, the summits are from 2,000 to 3,500 feet in height, while in the vicinity of the head of Taku Inlet the elevations are 4,000 feet or more, with higher mountains visible farther back. The elevations also increase in going north along Lynn Canal. For a general description of the country surveyed during the season, I do not know that I can do better than to refer to my report of February 24, 1894, to the Superintendent of the Coast and Geodetic Survey, as follows:

"The work of the season covered about 500 square miles of territory inclosed within a nearly equilateral triangle. All of this region was full of mountains, but I could see no indications of a dominating or nearly continuous range anywhere near the coast line. The mountain peaks are from 3,000 to 5,000 feet in height, with a general tendency to greater elevation above the head of Taku Inlet. The whole area is a network of short, steep-sided ridges, generally lying at right angles to the nearest shore and connected by short saddles nearly as high as the peaks. This formation seems to indicate that these ridges and valleys are the results of local influences of erosion by ice and water. Farther back from the shore, where ice and dry cold are the principal eroding influences, the peaks project sharply from the envelope of snow and ice, which stretches downward on their flanks to form countless glaciers—large and small. Far back in the country to the northward could be seen the peaks of lofty mountains, which lie about 25 miles northward of the mouth of the Taku River. Whether these peaks are part of the backbone of the mountain system of this coast or not I am unable to say; but this, at least, is clear, that from every mountain ascended by Mr. Ogilvie, higher mountains could be seen to the northward. Nowhere did we attain the summit elevations of the system."

The operations of Mr. Ogilvie did not extend far into the interior, no one of the mountains which we ascended being more than 6 or 7 miles from the sea, to the best of my recollection. Higher mountains, with many sharp peaks and pinnacles, could be seen farther in the interior than we penetrated, and along the northeastern horizon they assumed somewhat the appearance of a range, which appearance may, however, have been an illusion caused by perspective among the numerous peaks. From all the observations which I made while in Alaska and from all my knowledge of the region gathered not only from the ascent of mountains but from other investigations, it is my belief that there is no such continuous chain of mountains within ten marine leagues of the coast—that is, from the heads of the inlets and bays, and running in a direction parallel to the general direction of the coast between Portland Canal and Lynn Canal, as seems to be contemplated in the language of the Anglo-Russian Convention of 1825.

W. C. HODGKINS.

Subscribed and sworn to before me this 16th day of April, 1903.

[SEAL.] N. G. HENRY, *Notary Public.*

topographic features of this region, which was based on a rough triangulation. We ascended the Stikine River as far up as the mouth of the Katete, about twenty miles from the coast, and encamped there to explore the northeastern part of the area allotted to us. During this season's work I ascended mountains 3,000 to 5,000 feet in height, located within a ten-miles-wide coastal belt from the Stikine River in the north to Bradfield Canal in the south.

The highest mountains in this section are considerably inland, apparently 25 to 30 miles from the coast. We had an excellent opportunity to familiarize ourselves with the character of the country, as the Canadians used the photo-topographic surveying method. We would climb the same mountain peak as often as three times, if necessary, before getting a clear view of the surrounding country and distant panorama.

The terrene of this section is very rugged and bold, the numerous crags and peaks with their underlying mountain formation forming irregular masses with no indications of any range formation. The altitudes of the peaks in this section gradually increase from the coast inland.

In the year 1894 I was attached to Assistant J. F. Pratt's party and I was detailed to make a survey of Katzehin, Chilkoot, Skagway and Dyea rivers, at the head of the Lynn Canal. In executing this work I made use of the photo-topographic method in a similar way as the Canadians applied it. While ascending the prominent mountains in the area allotted me a good opportunity was offered me to see much of the country inland. The sides of the Chilkoot and Dyea inlets rise abruptly from the water's edge to a height from 2,000 to 4,000 feet. The valley bottoms of the rivers Katzehin, Chilkoot, Skagway, and Dyea, are narrow throughout, widening slightly where other rivers empty into them and at the mouths. They are bounded by steep hillsides and bold bluffs.

In the year 1898 I was again ordered to southeastern Alaska to extend the surveys of the Tlaheena, Chilkat, Chilkoot, Skagway, and Dyea rivers, including the passes at their heads leading into the interior, going inland as far as 30 miles from the coast.

This topographic reconnaissance practically covered the same ground as the work of 1894, or rather it extended the work of that season farther inland.

The mountains, which also here have the characteristic Alaskan rugged boldness, appear to form spurs and outrunners from what apparently is the divide between the drainage system of the headwaters of Lynn Canal and those of the rivers Alsek, Yukon, and Taku.

As far as my observations in the territories described above have taken me, there is no indication of any coastal mountain range, nor are there mountain formations strung out in a direction north and south. On the contrary the areas generally appear as a heterogeneous jumble of irregular mountain masses, their general heights increasing inland. The country appears in a general way as a very roughly eroded plateau, sloping toward the coast, with irregular but bold projections, appearing isolated or in groups, never in continuous range or chain.

JOHN ADOLPH [illegible]LEMER.

Sworn to and subscribed before me this 17th day of Apr[illegible], 1903.

[SEAL.] N. G. H[illegible]SKEY,
Notary Public.

[Extract from Mr. Sumner's speech in the Senate in support of the acquisition of Russian America: Works, vol. xi, p. 243; also 4 Fur Seal Arbitration, p. 295; Appendix to British Case, vol. i, p. 60.]

"Some of the best maps of this region are by Germans, who excel in maps. I mention an excellent one of the Aleutian Islands and the neighboring coasts, especially to illustrate their orography and geology, which will be found at the end of the volume of Transactions of the Imperial Mineralogical Society at St. Petersburg, to which I have already referred.

Late maps attest the tardiness of information. Here, for instance, is an excellent map of North America, purporting to be published by the Geographical Institute of Weimar, as late as 1859, in which we have the Yukon pictured, very much like the Niger, in Africa, as a large river meandering in the interior with no outlet to the sea. Here is also a Russian map of this very region as late as 1861, where the course of the Yukon is left in doubt. On other maps, as in the Physical Atlas of Keith Johnston, it is presented, under another name, entering into the Frozen Ocean. But the secret is penetrated at last. Recent discovery, by the enterprise of our citizens in the service of the Telegraph Company, fixes that this river is an affluent of the Kwichpak, as the Missouri is an affluent of the Mississippi, and enters into Behring Sea by many mouths, between the parallels of 62° and 63°.

After the death of Major Kennicott, a division of his party, with nothing but a skin boat, ascended the river to Fort Yukon, where it bifurcates, and descended it again to Nulato, thus establishing the entire course from its sources in the Rocky Mountains for a distance exceeding a thousand miles. I have before me now an outline map just prepared by our Coast Survey, where this correction is made. But this is only a harbinger of the maturer labors of our accomplished Bureau, when the coasts of this region are under the jurisdiction of the United States.

In closing this abstract of authorities, being the chief sources of original information, I can not forbear expressing my satisfaction that, with the exception of a single work, all these are found in the Congressional Library, now so happily enriched by the rare collection of the Smithsonian Institution."

Testimony secured in the year 1899 among the Chilkat Indians.

WAR DEPARTMENT,
Washington City, July 24, 1899.

Hon. JOHN HAY, *Secretary of State.*

SIR: I have the honor to report that, in accordance with the instructions of the Secretary of War, I proceeded to the head of Lynn Canal, Alaska, to obtain the information requested in your letter of the 31st of May last, addressed to the Secretary of War.

Sailing from Seattle, Wash., on the 24th of June, I landed at Skaguay, Alaska, on the 29th of June. The district court was in session there, and before it was pending a case in which the Indians at the head of Lynn Canal were interested. The court adjourned in a few minutes to take the steamer to Sitka, and with the consent of his honor, Judge Johnson, I secured the services of the court interpreter, Mr. George Kostrometinoff. With his aid I obtained that afternoon the testimony of three chiefs of the Chilcat tribe who were in attendance on the court in the case mentioned.

I then met the United States deputy marshal at Skaguay, Mr. J. M. Tanner, who kindly offered to assist in any way he could.

I gladly accepted his offer, and the next day he and my clerk, Mr. F. B. Bourn, left by a small steamer for Haines Mission. The wind was blowing a gale and a heavy sea was running. They sent out messengers from Haines Mission to the upper Chilcat village for the chiefs there to come into Skaguay, and returned late in the afternoon with several chiefs from the vicinity of Haines Mission. By Monday the 3d instant the chiefs of all of the Chilcat tribes had arrived at Skaguay, and on the 4th of July (Mr. Kostrometinoff having returned from Sitka, where he went with the court) I secured the testimony desired, and on the evening of that day sailed on the steamer *Queen* for Seattle, arriving there July 10.

I inclose the testimony of the chiefs and subchiefs, as follows: Koo-too-at, George Sha-trage, Jack Kitchk, Da-na-wak, Skin-ya, George Kah-oosh-tey, Yel-hak, Koow-tey-na-ah, David Ye-ka-sha, Yen-sheesh Johnson.

Also the affidavit of the court interpreter, Mr. George Kostrometinoff.

The Indians who testified are intelligent and understand the nature of an oath. Some of them understand English, but do not speak it well. It was necessary, therefore, to have an interpreter, so that they could testify in their own language. They had arranged to go into the interior of Alaska immediately upon the adjournment of the court, but consented to remain until their testimony could be taken in this matter. It was thus possible to obtain in a few days testimony which under ordinary circumstances might have required months to secure, as I was informed it is the custom of the Indians to go into the interior on trading expeditions at this season of the year.

Whatever measure of success has attended the obtaining of this testimony is due largely to Judge Charles S. Johnson, who permitted the court interpreter to aid me; to Mr. George Kostrometinoff, interpreter; to Mr. J. M. Tanner, deputy marshal, and to Mr. F. B. Bourn, clerk in the office of the Secretary of War, who rendered valuable assistance.

Very respectfully,

JOHN TWEEDALE,
Major, U. S. Army,
Assistant Chief Record and Pension Office.

TESTIMONY OF KOO-TOO-AT.

My name is Koo-too-at; I can not tell my age exactly, but I was about 2 feet high when Prince D. Maksootoff was here; he was the last Russian governor of this Territory. I am a native of Chilcat and live at Tlak-wan village. I am one of the head chiefs of the Chilcat tribe; there are three Chilcat chiefs—myself, George Sha-trage, and Yel-hak. When Kent-a-Kous died I took his place. Kent-a-Kous was appointed private of Indian police for the village on the Chilcat River by Governor Lyman E. Knapp on the 1st day of February, 1891. The chief before Kent-a-Kous was Sha-trage, father of George Sha-trage, one of the present chiefs of the Chilcat tribe. I remember the Russian occupation, and was quite a small boy when the Russians were here, and remember Prince Maksootoff. I know that the Russians used to live at Sitka; our fathers told us that they were Russian subjects, but we were young in those days and do [not] know much about it.

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58TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 162.

ALASKAN BOUNDARY TRIBUNAL.

PROCEEDINGS

OF THE

ALASKAN BOUNDARY TRIBUNAL,

CONVENED AT LONDON,

UNDER THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, CONCLUDED AT WASHINGTON JANUARY 24, 1903, FOR THE SETTLEMENT OF QUESTIONS BETWEEN THE TWO COUNTRIES WITH RESPECT TO THE BOUNDARY LINE BETWEEN THE TERRITORY OF ALASKA AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

Vol. III.

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BOUNDARY BETWEEN THE DOMINION OF CANADA AND THE TERRITORY OF ALASKA.

PART I.

CASE

PRESENTED ON THE PART OF THE

GOVERNMENT OF HIS BRITANNIC MAJESTY

TO THE

TRIBUNAL CONSTITUTED UNDER ARTICLE I OF THE CONVENTION

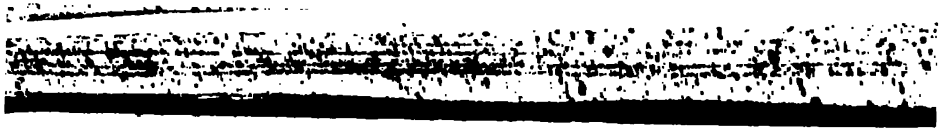
SIGNED AT WASHINGTON, JANUARY 24, 1903, BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA.



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BOUNDARY BETWEEN THE DOMINION OF CANADA AND THE TERRITORY OF ALASKA.

PRESENTED ON THE PART OF THE GOVERNMENT OF HIS BRITANNIC MAJESTY

TO THE

Tribunal constituted under Article 1 of the Convention signed at Washington on the 24th day of January, 1903, between His Britannic Majesty and the United States of America.

On the 24th day of January, 1903, a Convention was concluded between Great Britain and the United States of America in order to provide for a friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of the 28th (16th) February, A.D. 1825, which clauses relate to the delimitation of the boundary-line between the territory of Alaska, now a possession of the United States, and the British possessions in North America.

Article I of the Convention provides that the Tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them.

The other principal Articles of the Convention are the following:—

"Article III. It is agreed by the High Contracting Parties that the Tribunal shall consider, in the settlement of the questions submitted to its decision, the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of the 28th (16th) February, A.D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A.D. 1867, and par-

2 ticularly the Articles III, IV, and V of the first-mentioned Treaty, which in the original text are, word for word, as follows:—

"'III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du Continent et les Iles de l'Amérique Nord-ouest sera tracée ainsi qu'il suit:—

"'A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54° 40′ de latitude nord, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atteint le 56e degré latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141e degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l'Amérique Nord-ouest.

"'IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent—

"'1. Que l'île dite *Prince of Wales* appartiendra toute entière à la Russie;

"'2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest se trouverait à la distance de plus de 10 lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines.

"'V. Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédents assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux Articles précédents; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites.'

"The Tribunal shall also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conclusion of said treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

3 "Article IV. Referring to Articles III, IV, and V of the said Treaty of 1825, the said Tribunal shall answer and decide the following questions:—

"1. What is intended as the point of commencement of the line?

"2. What channel is the Portland Channel?

"3. What course should the line take from the point of commencement to the entrance to Portland Channel?

"4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

"5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the Ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the Ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

"6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière*, which was to belong to Russia, be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the Ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets?

4

"7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?"

The Convention was ratified on the 3rd March, 1903.

The full text of the Convention is set out in the Appendix to this Case.

The accompanying Case, together with the documents, official correspondence, maps, and other evidence, on which the Government of Great Britain relies, contained in Appendices I, II, and III to the Case, is delivered pursuant to Article II of the Convention.

5 **INTRODUCTION.**

The Convention between Great Britain and Russia to be interpreted by the Tribunal was concluded on the 16th (28th) February, 1825.

By a Treaty between the United States and Russia concluded on the 18th (30th) March, 1867, Russia ceded to the United States all the territory and dominion then possessed by her on the Continent of America and in the adjacent islands within geographical limits therein described. In fixing the eastern limits the line of demarcation between the Russian and the British possessions in North America, as established by the Convention between Russia and Great Britain of the 16th (28th) February, 1825, and as described in Articles III and IV of that Convention, was adopted word for word. An interpretation of the Treaty which will fix the line of demarcation between the British and Russian possessions in North America, as it was laid down in the Treaty of 1825, will delimit the boundary-line between those territories adopted by the Treaty of 1867, and as it continues to be at the present time.

On the cession of the territory to the United States, the name "Alaska" was substituted for "Russian America."

Throughout almost its entire length, that is to say, up to latitude 60°, the disputed territory adjoins the Province of British Columbia on its westward side. The boundaries of this portion of the British possessions in America were fixed by an Imperial Act of 1863, which specifies the western boundary to be the Pacific Ocean and the frontier of the Russian territories in North America, the north to be the 60th parallel of latitude, the east the 120th meridian of west longitude and the summit of the Rocky Mountains.

The remaining portion in dispute adjoins the Yukon territory, and includes the easterly boundary of the coast strip from the vicinity of Yakutat Bay to the 141st meridian.

6 British Columbia did not enter the Canadian Confederation until July 20th, 1871, when its territory became a part of the Dominion of Canada.

The Yukon territory was created by an Act of the Federal Parliament June 13th, 1898, out of the territory added to Canada on June 23rd, 1870.

Only a portion of the international boundary is in dispute.

With that part beginning at or near Demarcation Point on the Arctic Ocean at longitude 141° west, and following that meridian southwards a distance of about 450 marine miles until it strikes the summit of the mountains near Mount St. Elias—which is just within Canadian territory—the present enquiry has nothing to do. For that distance the boundary is a purely geodetic one, and a meridian of longitude can be ascertained with scientific precision.

The disputed part of the boundary-line is that which runs from the 141st meridian to the commencement of the line according to the Treaty, at the southernmost point of Prince of Wales Island. It may be said to be, roughly speaking, about 550 marine miles in length. Inasmuch as in the Treaty the line is described commencing from the south, that order will, as a matter of convenience, be observed in this Case.

The general geographical character of the territory in dispute will be appreciated by looking at the map No. 37 in the Atlas, which will also show the lines drawn in accordance with varying interpretations of the Treaty.

HISTORICAL.

I.—Maritime Discoveries, 1741–1821.

The history of the various voyages of discovery in the Northern Pacific and Behring Sea forms a considerable literature by itself. During the negotiations resulting in the Treaty between Great Britain and Russia in 1825, and afterwards, in the course of the presentation of the Behring Sea Case under the Treaty of the 29th February, 1892, an exhaustive examination was made of all sources of information under this head, but for present purposes a short summary is deemed sufficient.

7 The part of the New World washed by the North Pacific Ocean was discovered much later than any other part of the North American torrid and temperate zones. The evident reason for this is its greater remoteness from Europe and the fact that it could only be reached by doubling Cape Horn or the Cape of Good Hope.

The Russians had crossed Siberia and reached Kamtschatka in 1697. In 1728–29 Behring practically proved the separation of the continent as high as 67° on the coast of Asia. In the following year, according to Coxe, he made another attempt to reach land to the east, but, after sailing 50 leagues from the Asiatic coast without seeing anything, returned to Okhotsk and afterwards to St. Petersburgh. Nothing more was done until 1741. In June of that year two vessels set sail, the one commanded by Behring, the other by his lieutenant Tchirikoff. According to Müller, the historian of the expedition, Behring came in sight of land in 58° 28′ north latitude, and Tchirikoff in latitude 56°. Behring did not reach the mainland, but sent a boat on shore for water on a large island. He named Cape St. Elias, at the southern end of Kayak Island, but did not land or take possession. It is not clear that Behring ever reached the mainland. Tchirikoff, according to Müller, reached the mainland in 56°, and sent 10 men in a boat for water. As they never returned they were probably massacred. Six more sent after them never came back to the ship, and probably met the same fate. On the 27th July Tchirikoff returned to Kamtschatka. As Müller in his map shows no islands on the coast where Tchirikoff landed, it is believed that he landed on one of the large islands and mistook it for the mainland. A number of Russian voyages are outlined by the historian Coxe, extending from 1741 to 1748, to the Aleutian Islands, Fox Islands, Andreanorski Islands, and other territories comprehended in the Alaskan peninsula and islands to the north. In 1763, Glottof, on a trading voyage, reached Kadiak Island. In 1764 to 1768, Synd, a lieutenant of the Russian navy, made an expedition along the coast to Behring Strait. From this time to the visit of Captain Cook, according to Bancroft, single traders and small companies continued to traffic with the islands in much the same manner as before.

8 Upon these discoveries Russia based in part her claims to maritime and territorial jurisdiction over the northern part of the Pacific Ocean and the north-west coast of America, which will be referred to hereafter. Her later discoveries were along the tracks of Cook and other modern navigators.

The Spanish Government sent three exploring expeditions along the west coast of North America between 1774 and 1779. These expeditions visited certain points on the west coast, up to the 60th degree of latitude.

In 1786, La Perouse, on his voyages around the world, under instructions from the French Government, first made the mainland of North America near Mount St. Elias. Thence he sailed eastward and southward, following the outer shores of the Alaskan and British Columbia Archipelagos to the coast of California.

United States' vessels first traded on the north-west coast in 1788.

No survey of the north-western coast was made until 1778, when Captain Cook, who had been sent out by the English Government, reached the American coast. Cook explored the north-west coast from about 44° north latitude as far as Prince William Sound and Cook's Inlet, and took possession of the coast territory. He was the first to lay down the main outlines of the north-western part of the continent. His surveys were until very recently considered in some parts the most reliable in existence. They did not, however, extend inside the islands.

Captain Cook's expedition was followed by those of Captain James Hanna in 1785, Captain Peters in the same year, Portlock and Dixon in 1786, Meares in 1787, 1788, and 1789, and Vancouver in 1792–94.

Post-Captain George Vancouver, R. N., had been instructed by the British Admiralty in 1791 to make an exploration of the north-west coast of America, between latitudes 30° and 60° north, to acquire accurate information as to whether there was any water communication from the north-west coast towards the eastern coast of North America; to ascertain the number, extent, and situation of European settlements on said north-west coast; and, further,
9 to visit Nootka (on the west coast of Vancouver Island) and receive from the Spanish Commandant there restitution of the lands and buildings the property of British subjects which had been seized by the Spaniards in 1789, but which Spain, by Convention of 28th October, 1790, had agreed to restore.

He set out from England in 1791, and, in accordance with his instructions, wintered at the Sandwich Islands in the winter of 1791–92.

In the spring of 1792 he crossed to the continental coast, and examined northward, that year, as far as Fitz Hugh Sound, returning to the Sandwich Islands again for the winter.

Early in 1793 he sailed again to the west coast of America, reaching it near Cape Mendocino. He then proceeded north to Nootka,

and thence went to Fitz Hugh Sound, where he resumed his examination of the continental shore. His explorations thence forward for some time referred to the southern portion of the territory in dispute. They are of the utmost importance for the determination of the true construction of the Treaty, and a detailed examination of this survey will be found in a later portion of the Case.

The examination of the northern portion of the territory now in dispute was made on his return to the coast in July, 1794.

This completed Vancouver's survey of the north-west coast and adjacent archipelago. He then returned to Nootka, thence to the Sandwich Islands, and thence to England, viâ Cape of Good Hope, reaching home in September, 1795.

Captain Vancouver died in May, 1798, before his "Voyages" appeared. In the course of the same year, however, they were published in London by his brother, who explained in a note that Captain Vancouver himself had revised the whole up to p. 408 of the third volume. The portion thus revised covers the whole of his geographical discoveries on the coast of America. With this edition was published a volume of Charts, three of which, relating to the portion of the coast now in question, are reproduced in the Atlas accompanying this Case.

A French translation of Vancouver's "Voyages" was published in Paris in 1801, and in the same year a second English edition appeared in London.

No survey of that part of the continental coast material to the present question, except Vancouver's, was made before 1825, nor, indeed, for a long time afterwards. After the publication of his "Voyages," with their accompanying volume of charts, several maps of this region were published, namely, a Russian map in 1802, Langdorff's (1803–1805), Arrowsmith's (1822), Arrowsmith's (1824), Faden's (1823). These are reproduced in the Atlas. All follow Vancouver's charting.

It is practically certain that the negotiators of the Convention of 1825 had Vancouver's maps before them, because they not only adopt the latitudes and longitudes assigned by him to the various points referred to, but also his nomenclature. A reference to the names used in the diplomatic correspondence—Mount St. Elias, Cross Sound, Lynn Channel or Harbour, Chatham Strait, Norfolk Sound, Cook's Inlet, Admiralty Island, Novo-Archangelsk and

Sitka, King George's Archipelago, King George's Island, Stephen's Passage, Duke of York's Island, Duke of Clarence's Strait or Sound, Prince of Wales's Island, Portland Channel or Canal, Observatory Inlet—will show that Vancouver's charts were used.

It is to be observed that Vancouver did not attempt any exploration or survey on land; nor had any one else attempted it before 1825. Vancouver's charts do not even show the existence of rivers; his surveys stopped at the beach.

Vancouver published in his atlas a chart of the southern part of the region now under consideration, and another of the northern part.

On the former is shown an interior continuous range of mountains, and smaller mountains closely following the shore lines. The intervening space is entirely covered by a conventional (and very regular) representation of mountains, less heavily shaded.

On the chart of the northern part the interior range is also shown boldly, but less elaborately, than on the other chart. The shore range is entirely absent, and in the intervening space the mountains are very lightly dotted in.

These differences between the charts are such that they at once strike the eye, and cannot escape notice.

A few miles of the mainland, with the interior range, is shown on both of the charts. This range on one of them is not more than 2 or 3 miles back from the head of Houghton Bay.
11 On the other it is about 20 miles.

Vancouver has also a chart showing the whole coast on a smaller scale than the other two. This differs considerably from both the others. The shore range is considerably emphasized, so as to equal, or nearly so, the interior range.

The representation of mountains on Vancouver's charts was, therefore, purely conventional. They are differently depicted by him on his own several charts, and also by the mapmakers who followed him. In no case could it have been supposed by any one in 1825 that these representations of mountains accorded with ascertained geographical features.

HISTORICAL.

II.—*Settlements on the Islands and Mainland to 1825.*

In 1778, at Cook's Inlet, Captain Cook found evidences of Russian trade, but no Russians. At Unalaska, one of the Aleutian

Islands, he again heard of the Russians, and on a second visit met Russian traders.

In 1783 the first attempt was made, following Cook's discoveries, to establish a Russian trading post on the American mainland at Prince William Sound. It ended disastrously.

For some years after this, only one small vessel was dispatched from Siberia for trading purposes; but in 1784 Shelikof visited Unalaska, and reached Kadiak Island, intending to effect a permanent settlement there.

Portlock and Dixon, in 1786, visited Cook's Inlet and found a party of Russians encamped there, but no fixed establishment.

Meares in the same year met Russians and natives at Amlia Island, one of the Aleutian chain. He proceeded eastward along the Aleutians, and was piloted by a Russian into Unalaska. The only Russian establishments were underground huts of the native pattern.

In 1788 a Spanish expedition found a Russian colony at Three Saints, on Kadiak Island, but there were no Russians at Prince William Sound. Three Saints was the eastermost point which up to that time had a permanent Russian Settlement.

12 In 1790, Russia and Sweden being at war, a Sweedish cruiser visited the Aleutian Islands, but found no Government establishment, and no Russians except traders "in abject poverty."

In 1794 Vancouver ascertained the easternmost Russian Settlement at that time to be at Port Etches in Prince William Sound. He "clearly understood that the Russian Government had little to do with these Settlements; that they were solely under the direction of independent mercantile Companies."

In 1799 the "Caroline," Captain Cleveland, from Boston, arrived at Sitka shortly after a Russian post had been established there.

Of the enterprises of Baranoff, Governor of Sitka, Bancroft says:—

"At every point eastward of Kadiak where he had endeavoured to open trade he had found himself forestalled by English and American ships, which had raised the prices of skins almost beyond his limited means."

Even up to the 28th (16th) February, 1825, no Russian Settlement had been formed on the continent or in the vicinity of the strip in dispute. This was pointed out on the part of Great Britain at the beginning of the negotiations in 1823, and insisted on

ever afterwards. At no time was this contention controverted by Russia, and towards the close of the negotiations its truth was frankly admitted.

The relation of the British fur traders and the Hudson's Bay Company towards the disputed strip were, however, of a most intimate character, as shown by the various letters of J. H. Pelly, Deputy Governor of the Company, to Mr. Canning and others. The following extracts are made from a letter by Mr. Pelly to Mr. George Canning, the 25th September, 1822:—

"In the year 1793, Sir Alexander McKenzie crossed the Rocky Mountains in 56° 30′ north latitude, and penetrated to the Pacific Ocean in latitude 52° 20′. Immediately after his return the British fur traders sent expeditions and established trading posts in the country to the westward of the Rocky Mountains. New trading stations have been gradually formed as the country was more fully explored, and until 1821 the whole trade of an extensive district named New Caledonia, and extending from the mouth of Fraser's River, situated about 49° north latitude to about 60° north latitude, was carried on by the British North-west Company.

"The partnership of the British North-west Company being then about to expire, arrangements were made in 1821 by which the Hudson's Bay Com-
13 pany acquired possession of all the forts and trading stations of that Association situated in New Caledonia, as well as in other parts of British North America.

"The principal forts, or permanent and centrical trading stations in New Caledonia, now occupied by the traders and servants of this Company, are situated at the Rocky Mountain Portage in 56° north latitude and 121° west longitude; on Stewart's Lake, in 54° 30′ north latitude and 125° west longitude; on McLeod's Lake, in 55° north latitude and 124° west longitude, and on Fraser's Lake, in 55° north latitude and about 127° west longitude; and there are several minor trading posts, the situations of which are occasionally changed according to local circumstances. By these means an extensive trade is carried on with all those Indian tribes which inhabit the country from about 60° north latitude as far south as the mouth of Fraser's River, which is in about 49° north latitude, and between the Rocky Mountains and the sea.

"The British fur traders have never met with the traders of any other nation in that country, and it does not appear that any part of it has ever been occupied by the subjects of Russia or of any other foreign Power. . . . .

"This Company has trading establishments also in Mackenzie's River, which falls into the Frozen Ocean as far north as 66° 30′ north latitude, which carry on a trade with those Indians who inhabit the country to the west of that river and to the north of 60° of north latitude, and who, from the nature of the country, can communicate more easily with Mackenzie's River than with the trading posts in New Caledonia."

CHAPTER I.

THE NEGOTIATIONS ON BOUNDARY QUESTION (1821–25) AND THE TREATY OF 1825.

On the 4th September, 1821, the Emperor of Russia published an Ukase, expressed to be for the protection of Russian trade with the Aleutian Islands and the part of the north-west coast of America subject to Russia. Certain rules were annexed to the Ukase, of which the first two were as follows:—

"1. The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, posts, and gulfs, including the whole of the north-west coast of America beginning from Behring's Straits to the 51° of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands, from Behring Straits to the south cape of the Island of Urup, viz., to the 45° 50′ north latitude, is exclusively granted to Russian subjects.

"2. It is therefore prohibited to all foreign vessels, not only to land on the coasts and islands belonging to Russia, as stated above, but, also to approach them within less than 100 Italian miles. The transgressors' vessel is subject to confiscation along with the whole cargo."

By a previous Ukase, published the 27th December 1799, the Emperor Paul had created the Russian-American Company, and had granted to it extensive privileges in this region. It was this Company that would reap the benefit sought to be conferred on Russian subjects by the Ukase of 1821.

The Ukase of 1821 was communicated by Baron Nicolay to the Marquess of Londonderry by a dispatch of the 12th November, 1821, in answer to which Lord Londonderry, writing on the 18th January, 1822, stated that as to the exclusive sovereignty alleged to belong to Russia over the territories described in the Ukase, as also the exclusive right of navigating and trading within the maritime limits therein set forth, His Britannic Majesty must be understood as reserving all his rights. The United States also protested.

In the course of the discussions which arose out of the Rus-
15 sian pretensions, that Power receded from the claim to exclusive dominion upon the seas in question. That part of the controversy is not now material. Suffice it to say that it was ulti-

mately set at rest by the Award of the Arbitral Tribunal created by a Treaty between Great Britain and the United States, signed at Washington on the 29th February, 1892, to settle the differences which had arisen between these two Powers respecting the seal fishery in Behring Sea.

As regards the territorial boundary on land, the negotiations for a settlement originated in a suggestion made by Count Lieven to the Duke of Wellington in September, 1822, and recorded by the Duke in a Memorandum of the 16th of that month. On this occasion Count Lieven suggested that if Great Britain had any claim to territory on the north-west coast of America, such claim should now be brought forward. These negotiations, which will be summarized below, resulted in the Treaty of 1825, the construction of which is now in question.

It will be convenient, before going into detail, to indicate broadly the points now in difference between the parties before this Tribunal.

In the accompanying Atlas will be found a map showing the different lines which have been suggested as giving effect to the Treaty applied to the topography as now understood. From this it will be observed that at the southern end of the line there is a dispute as to the channel along which the boundary ought to be drawn, in obedience to the provision which requires that it should follow "la passe dite Portland Channel."

On the side of Great Britain it is contended that Portland Channel means the channel which Vancouver can be shown to have so named, that is to say, the narrow channel north of Wales Island and Pearse Island, and extending into the interior for 82 miles.

The United States, on the other hand, maintain that the wider channel to the south of these islands must be taken to be denoted as the commencement of the channel referred to by the expression "la passe dite Portland Channel," the identity of which, so far as its upper part is concerned, is not in dispute.

Great Britain, however, further contends that if there is to be any departure from the clear nomenclature of Vancouver, there are, as will be hereafter explained, other channnels up which
16 the line should be drawn in preference to that suggested by the United States.

With regard to the rest of the line, the dispute is of a somewhat different character. According to Article III of the Treaty,

the line is to follow the crest of the mountains situated "parallèlement à la côte" to the point of its intersection with the 141st degree of west longitude. By Article IV it is provided that wherever the crest of these mountains is at a distance of more than 10 marine leagues from the ocean, the limit between British possessions and the *lisière* of coast which is to belong to Russia shall be formed by a line parallel to the coast, and which shall never be more distant therefrom than 10 marine leagues.

It is to be observed that the provision in Article IV, just mentioned, operates only in a given event, and then only as a corrective of the line primarily laid down, namely, that of the mountains. The event in which it is to operate is if the crest of the mountains, which extend in a direction parallel to the coast, is at a distance of more than 10 leagues from the ocean. It will be seen from the map already referred to, and more in detail from the large maps inclosed in the portfolio which accompanies this Case, that, in point of fact, the whole coast region is extremely mountainous, and that the mountains supply, speaking generally, the boundary stipulated for by the Treaty.

It is contended on behalf of Great Britain that the coast ("côte") with regard to which the mountains are contemplated as running in a parallel direction is the general line of coast of the Ocean (referred to in Article IV), and not the shore line of narrow inlets breaking that line; and, further, that the expression "montagnes situées parallèlement à la côte" and "montagnes qui s'étendent dans une direction parallèle à la côte" do not necessarily denote mountain chains, but include the case of separate mountains in the vicinity of the coast, a line drawn through the summits of which would, roughly speaking, be parallel to the general line of the coast.

The contention of the United States, on the other hand, is that there is no defined range of mountains running parallel to the coast in this region, but that the whole region is a "sea of mountains," and that, therefore, the provisions of Article IV become applicable, and that the boundary is to follow, at a distance
17 of 10 marine leagues, and, even through this sea of mountains, the sinuosities of the coast. The latter phrase is, moreover, interpreted as requiring the line to be deflected inland on

the occurrence of every inlet, so that it shall in no place be less than 10 marine leagues from salt water.

The above, in broad outline, are the matters in difference, though a subordinate point may arise as to the manner in which the termination of the water boundary at the head of the Portland Channel is to be connected with the point at which the boundary commences to run by reference to the mountains, or the 10-marine-league limit, as the case may be.

A statement of the British territorial claims having been invited as already mentioned, written instructions were, on the 27th September, 1822, given by Mr. Canning to the Duke of Wellington for his guidance in connection with this question in any discussion which he might have upon the subject with Count Lieven at Verona. These instructions were of a general character, and merely stated that the information with which the Duke had been furnished would enable him sufficiently to prove to the Russian Ministers that Great Britain, through the Hudson Bay's Company, had an equal, if not a superior, claim to that of Russia, and that the British claim extended to many degrees of higher latitude than the 51st parallel. The Duke of Wellington had several discussions with Count Lieven upon the point, in which the extent to which occupation had gone on either side was discussed in general terms; but it was afterwards agreed, as recorded in a despatch of the Duke of Wellington to Mr. Canning of the 29th November, 1822, that the Memoranda recording these discussions should be considered as "non avenus," and that the Russian Ambassador in London should address to Mr. Canning a note in answer to that which Lord Londonderry had addressed to Count Lieven on the Ukase of 1821 being communicated to him.

Accordingly, on the 31st January, 1823, Count Lieven wrote to Mr. Canning proposing that on both sides the question of strict right should be provisionally put aside, and that all the differences to which the Ukase had given rise should be adjusted by a friendly
arrangement, founded only on the principle of mutual con-
18 venience, and that such arrangement should be negotiated at St. Petersburg.

In pursuance of this proposal, Mr. Canning, by a despatch of the 5th February, 1823, desired Sir Charles Bagot, the British Ambas-

sador at St. Petersburg, to proceed to open the discussion with the Russian Minister upon the basis of the instructions given to the Duke of Wellington.

Owing, however, to a doubt as to the position taken by the United States with regard to this territory, negotiations were not actually commenced till the following year. Sir Charles Bagot stated verbally to Count Nesselrode in August 1823, that he believed the British pretensions had always extended to the 59th parallel, but that a line of demarcation drawn at the 57th would be quite satisfactory. In two conversations which he had later with M. Poletica, who, in the absence of Count Nesselrode, was empowered to represent the Russian Government, Sir Charles Bagot gave him to understand that the British Government would be satisfied to take Cross Sound, lying about latitude 57½°, as the boundary between the two Powers on the coast, and a meridian drawn from the head of Lynn Canal as the boundary in the interior of the continent. In reply, Sir Charles Bagot understood M. Poletica to suggest the 55th degree as that which Russia would desire to obtain as her boundary, and to intimate that it would be with extreme reluctance that Russia would consent to any demarcation which would deprive her of her establishment at Novo-Archangelsk (Sitka).

In January 1824, Sir Charles Bagot received new instructions to proceed with the negotiations, and on the 16th February had his first conference upon this question with the Russian Plenipotentiaries, Count Nesselrode and M. Poletica. He then proposed as the boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence north-west to the 140th degree of longitude, and thence along that degree of longitude to the Polar Sea.

In reply, the Russian Plenipotentiaries at the next meeting offered a counter-proposal, which was afterwards, at Sir Charles Bagot's request, reduced into writing. By this counter-proposal, the Russian Plenipotentiaries proposed the 55th degree of north latitude as the line of demarcation on the north-west coast of America,
19 being the limit which the Emperor Paul had assigned to the Russian possessions by his Charter to the Russian-American Company. Further, as that parallel cut Prince of Wales Island in its southern extremity leaving out of the Russian dominions two points of land, it was proposed that these two points should be comprised within the Russian limit, in order to avoid an inconven-

ient division. To complete the line and make it as distinct as possible, the Russian Plenipotentiaries expressed a desire to make it follow the Portland Channel as far as the mountains which skirt the coast ("jusqu'aux montagnes qui bordent la côte"). From that point they suggested that the boundary should run along those mountains in a direction parallel ("parallèlement") to the sinuosities of the coast as far as the 139th degree of longitude. It was explained that the principal motive which forced Russia to insist on the sovereignty of this fringe (*lisère*) on the continent from the Portland Channel northwards was that without that territory the Russian-American Company would have no means of maintaining their establishments, which would be thenceforth without a "point d'appui," and which would have no solidity. In return Russia offered the free navigation of all rivers which emptied themselves into the ocean within that fringe.

There are certain observations which have to be made upon the terms of this proposal. In the first place, it is clear that the limit in point of latitude which Russia was claiming in principle was the 55th parallel, and that it was only put further south so far as necessary to include two promontories on Prince of Wales Island, and to reach on the mainland a boundary marked by a channel. In the second place, it is clear that the island which they understood as Prince of Wales Island was the large island so marked on the map, the two southern extremities of which would be cut off by the 55th parallel of latitude. In the third place, the extent and the function assigned to the *lisère* which Russia desired to possess, are worthy of note. It was to be a mere fringe, as a protection and a "point d'appui." It will be found that this conception of the *lisère* was not departed from.

In reply to this counter-proposal, Sir Charles Bagot delivered an amended proposal in which he expanded the description which the Russian Plenipotentiaries had given of their proposed line. He described this line as being traced from the southern extremity of Prince of Wales Island to the embouchure of the Portland Canal, thence by the middle of that canal until it (the line) touched "la terre ferme," thence to the mountains which skirt the coast, and so on.

Sir Charles Bagot continued his despatch by pointing out that the adoption of this line would deprive His Britannic Majesty of

the sovereignty of all those coves and little bays which lie between latitudes 56° and 54° 45′. On this it is to be observed that the embouchure of Portland Canal as contended for by Great Britain was ascertained by Vancouver to lie in latitude 54° 45½′. It is further to be remarked that Sir Charles Bagot does not appear to have considered that the concession of the boundary proposed by the Russians would have deprived the British of all the inlets above the 56th degree of latitude.

In this amended proposal Sir Charles Bagot suggested a line drawn along the middle of the channel which separates Prince of Wales Island and what was then known as the Duke of York's Island from the islands to the north of them, until it touched the mainland; thence in the same direction 10 marine leagues inland; thence northerly parallel to the sinuosity of the coast.

In their reply to Sir Charles Bagot's amended proposal, the Russian Plenipotentiaries re-stated their reasons for proposing as the boundary on the coast of the continent to the south ("sur la côte du continent au sud") the Portland Canal, the origin of which inland ("dans les terres") they said was at the 56th degree of north latitude, and to the east the chain of mountains which followed at a very little distance the sinuosities of the coast. They observed that this would leave for British expansion (1) all that part of the coast ("de la côte") situated between the embouchure of the Portland Canal and the 51st parallel, contemplated as the boundary in the Ukase of 1821; and (2) all the territory situated between the English establishments at the 54th parallel and the origin of the Portland Canal.

From the language held by the Russian Plenipotentiaries in making this proposal, it is perfectly clear that they did not regard
21 the coast ("la côte"), as the word was used by them in these negotiations as extending up the waters of Portland Canal. Had they done so, it would have been impossible to describe the Portland Canal as the boundary on the coast of the continent to the south, nor would they have described their proposals as leaving free to British expansion all the part of the coast ("toute la partie de la côte") which lay between the embouchure of Portland Canal and the 51st parallel. Nor, again, would they have described the Portland Canal as having its origin inland ("dans les terres").

Sir Charles Bagot did not give way to the arguments of the Russian negotiators, but repeated his amended proposal (modified so as to give Prince of Wales Island to Russia). This the Russian Plenipotentiaries declined to accept, repeating that the possession of Prince of Wales Island without a portion of territory on the coast situated opposite that island ("sur la côte située vis-à-vis de cette île") would be of no use to Russia.

At this point Sir Charles Bagot suspended the negotiations, and by a despatch dated the 29th March, 1824, reported to Mr. Canning the communications which had taken place. A despatch dated the 17th April, 1824, was also addressed by Count Nesselrode to Count Lieven, in which he summarized and repeated the views he had pressed upon Sir Charles Bagot. He speaks of his proposal to make the southern frontier of the Russian dominions terminate upon the continent ("aboutir sur le continent") at Portland Canal, of which he says "l'embouchure dans l'Ocean" is in the latitude of Prince of Wales Island and the origin inland between the 55th and 56th degrees of latitude. From his language here it is again obvious that in his view the shore at Portland Canal is not "coast" and its waters are not "ocean."

In the same despatch Count Nesselrode emphasizes again and again the slender character of the *lisière* which it was desired that Russia should possess. He describes it as merely "une étroite lisière sur la côte même," "une simple lisière du continent," "un médiocre espace de terre ferme" only required to enable Russia to make use of—nay, to avoid losing—the neighbouring islands ("le moyen de faire valoir—
nous dirons plus, de ne pas perdre—les îles environnantes").
22 Russia, he says in conclusion, only reserves to herself a "point
d'appui," without which it would not be possible for her to preserve half her dominions.

The Russian proposals were laid by Mr. Canning before the Hudson's Bay Company, and on receipt of their Report Mr. Canning wrote to Count Lieven on the 29th May, 1824, announcing that Sir Charles Bagot's discretion would be so far enlarged as to enable him to admit with some qualifications the terms last proposed by the Russian Government. The qualifications would consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent was to be restricted, in the selection of a some-

what more western degree of longitude, as the boundary to the northward of Mount Elias, and in precise and positive stipulations for the free use of rivers, &c.

On the 12th July, 1824, the instructions referred to were sent to Sir Charles Bagot, with a draft Convention to which he was authorized to consent. Articles II and III of this draft Convention were as follows:—

"ARTICLE II.

"La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les Iles de l'Amérique du Nord-ouest sera tracée de la manière suivante:—

"En commençant des deux points de l'isle dite du *Prince de Galles*, qui en forment l'extrémité méridionale, lesquels points sont situés sous le parallèle de 54° 40′ et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière, entre les possessions Britanniques et Russes remontera, au nord, par la passe dite le *Portland Channel* jusqu'à ce qu'elle touche à la côte de la terre ferme située au 56e degré de latitude nord. De ce point elle suivra cette côte, parallèlement à ses sinuosités, et sous ou dans la base vers la mer des montagnes qui la bordent jusqu'au 139e degré de longitude ouest du dit méridien. Et de là, la susdite ligne méridionale du 139e degré de longitude ouest en sa prolongation jusqu'à la Mer Glaciale formera la limite des possessions Britanniques et Russes sur le dit Continent de l'Amérique du Nord-Ouest.

"ARTICLE III.

"Il est convenu, néanmoins, par rapport aux stipulations de l'Article précédent—

"1. Que la susdite lisière de côte sur le Continent de l'Amérique formant la limite des possessions Russes ne doit, en aucun cas, s'étendre en largeur
23 depuis la mer vers l'intérieur, au delà de la distance de lieues maritimes à quelque distance que seront les susdites montagnes.

"2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité sur la dite lisière de côte, et sur celle des îles qui l'avoisinent.

"3. Que la navigation et le commerce des fleuves du continent traversant cette lisière seront libres aux sujets Britanniques tant à ceux habitant ou fréquentant l'intérieur de ce continent qu'à ceux qui aborderont ces parages du côte de l'Océan Pacifique."

By the covering despatch it was left to Sir Charles Bagot to agree to a distance (left blank in Article III of the draft) to which the breadth of the *lisière* was to be limited, provided that he was not authorized to agree to a greater distance than 10 marine leagues. The covering despatch also shows that this provision was due to the uncertainty as to the real position of the mountains which appeared almost to border the coast.

The Russian Plenipotentiaries delivered a counter-draft, in which Articles I and II were as follows:—

"ARTICLE I.

"La ligne de démarcation entre les possessions des deux Hautes Parties Contractantes sur la côte nord-ouest de l'Amérique et les îles adjacentes sera tracée ainsi qu'il suit:—

"A partir des deux points qui forment l'extrémité méridionale de l'île dite du Prince de Galles, laquelle appartiendra toute entière à la Russie, points situés sous le parallèle du 54° 40′ de latitude nord et entre les 131e et 133e degrés de longitude ouest (méridien de Greenwich), la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe dite le Portland Channel, jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme au 56e degré de latitude nord. De ce point, elle suivra cette côte parallèlement à ses sinuosités jusqu'au 139e degré de longitude ouest (même méridien) et de là, la frontière entre les possessions respectives sur le Continent Américain sera formée par la ligne du susdit degré de longitude dans sa prolongation jusqu'à la Mer Glaciale.

"ARTICLE II.

"La lisière de la côte nord-ouest appartenante à la Russie depuis le Portland Channel jusqu'au point d'intersection du 139e degré de longitude ouest (méridien de Greenwich) n'aura point en largeur sur le continent plus de 10 lieues marines à partir du bord de la mer."

24 It will be noticed that, at the commencement of the Article, the possessions of the High Contracting Parties are described as "on the northwest coast of America and the adjacent islands," instead of "on the continent and islands of northwest America," as in Mr. Canning's draft; and in the body of the Article, Portland Channel is described as terminating "dans l'intérieur de la terre ferme." It seems clear that, in the whole course of these negotiations, Count Nesselrode used the term "côte" as meaning the general line of the continent.

The draft Convention above examined was declined by Sir Charles Bagot.

In the meantime, Mr. Canning's draft had been submitted to Count Lieven in London, upon which he suggested that the line would be more conveniently drawn along the top ("la cime") than along the base of the mountains. He made this suggestion in view of the difficulty which there might be in defining the base of the mountains and of the possibility, having regard to the uncertainty of topographical information with respect to the region in question, that the mountains

named might extend to the very edge of the coast. The Memorandum in which Count Lieven embodied this suggestion was enclosed in a despatch from Mr. Canning to Sir Charles Bagot of the 24th July, 1824, in which Sir Charles Bagot was instructed to accept the alteration (if pressed), provided always the stipulation as to the maximum width of the *lisière* was adopted. Before, however, the despatch reached Sir Charles Bagot the negotiations had been suspended by his rejection, as before mentioned, of the Russian draft Convention. At this juncture, Sir Charles Bagot ceased to be the British Ambassador at St. Petersburgh, and Mr. Stratford Canning was named by His Britannic Majesty as Plenipotentiary to conclude and sign the Convention desired.

On the 8th December, 1824, Mr. George Canning addressed a despatch to Mr. Stratford Canning with the necessary instructions for continuing the negotiations. As regards the boundary, he drew attention to the fact that in the draft delivered by the Russian Plenipotentiaries to Sir Charles Bagot all reference to the mountains as a boundary had been suppressed, and that the 10-league limit which had been suggested as a corrective only, in view of the uncertainty as to the exact position of the mountains, had been adopted as the general rule. Mr. Stratford Canning was instructed that this could not be assented to; but he was empowered, where the mountains were the boundary, to accept the summit, and not the seaward base, as the line of demarcation. A draft "projet" was inclosed to serve as a guide in drawing up the Convention.

Article III of the draft accordingly submitted to the Russian Plenipotentiaries ran as follows:—

"¶La ligne de démarcation entre les possessions des Hautes Parties Contractantes situées sur le continent et les Isles de l'Amérique nord-ouest sera tracée ainsi qu'il suit:—

"Commençant du point le plus méridional de l'Isle dite *Prince of Wales*, lequel point se trouve sous le parallèle de 54 degrés 40 minutes, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord (l'Isle Prince of Wales appartenant en entier à la Russie) le long de la passe dite *Portland Channel*, jusqu'à ce qu'elle touche à la côte de terre ferme au 56me degré de latitude Nord; depuis ce point-ci, où la ligne de démarcation touche au 56me degré, elle suivra la crête des montagnes dans une direction parallèle à la côte jusqu'au 141me degré de longitude Ouest (même Méridien).

* * * * * * *

"Pourvu néanmoins, que si la crête des susdites montagnes, dans quelque partie que ce soit, de leur étendue se trouvera située à plus de dix lieues maritimes de la Mer

Pacifique, la ligne de démarcation pour cet espace sera une ligne parallèle aux sinuosités de la côte, de manière que la dite ligne de démarcation ne sera en aucune partie à plus de dix lieues de la côte.

"Il est, de plus, convenu que nul établissement ne sera formé par l'une des deux parties dans les limites assignées par cet Article à l'autre; les sujets Britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées par cet Article; et, de même, nul établissement pareil ne sera formé par des sujets Russes au delà des dites limites."

The Russian negotiators amended the language of Mr. Stratford Canning's draft, which, as recast by them, read as follows:—

"ARTICLE III.

"La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur le continent et les Isles de l'Amérique Nord-Ouest sera tracée ainsi qu'il suit:—

"A partir du point le plus méridional de l'Isle dite *Prince of Wales*, lequel point se trouve sous la parallèle due 54 degrés 40 minutes de latitude
26 nord et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de a passe dite *Portland Channel* jusqu'à l'endroit où cette passe se termine dans l'intérieur de la terre ferme au 56me degré de latitude nord—depuis ce dernier point la ligne de démarcation suivra la crête des montagnes dans une direction parallèle à la côte, jusqu'au point d'intersection de 141me degré de longitude ouest (même méridien).

"ARTICLE IV.

"Il est entendu—

"1. Que l'île dite *Prince of Wales* appartiendra tout entière à la Russie.

"2. Que la lisière de côte mentionnée ci-dessus, qui doit appartenir à cette même Puissance et remonter de la parallèle du 56° de latitude nord au point d'intersection du 141° de longitude ouest, aura pour limites la crête des montagnes ainsi qu'il a été dit plus haut, mais que partout où la distance entre la crête des montagnes et la mer se trouverait de plus de dix lieues marines, la limite de cette même lisière sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais s'éloigner de la mer que de dix lieues marines.

"3. Qu'à partir du point d'intersection du 141e degré de longitude ouest, la ligne de ce même degré formera dans son prolongement vers la Mer Glaciale la frontière entre les possessions respectives des Hautes Parties Contractantes."

It is to be observed that the *lisière* in this draft is treated as commencing not at the mouth of Portland Channel but at the 56th parallel.

On the 1st March Mr. Stratford Canning wrote that he had signed the Convention. He described the line of demarcation as

laid down agreeably to Mr. George Canning's directions, notwithstanding some difficulties raised by the Russian Plenipotentiaries. The communications which passed between Mr. Stratford Canning and the Russian plenipotentiaries do not seem to have been recorded further than appears by the drafts above-mentioned.

On the 13th March Count Nesselrode addressed a despatch to Count Lieven transmitting the ratification of the Convention concluded with Mr. Stratford Canning. Count Lieven was instructed, when exchanging this instrument for that to be delivered by the British Government, to observe to Mr. G. Canning that it would, in the opinion of His Imperial Majesty, have been more in accordance with the principles of mutual justice and reciprocal
27 convenience to give as a frontier to the *lisière* of coast which Russia was to possess from the 56th degree of north latitude to the point of intersection of the 141st meridian of west longitude the crest of the mountains which follow the sinuosities of the coast. This stipulation would have assured to the two Powers a perfect equality of advantages and a natural limit. England would have profited wherever the mountains were less than 10 marine leagues from the sea, and Russia wherever the distance separating them from it was greater. It appeared to Russia, Count Nesselrode said, that in the case of countries the geography of which was still little known it was impossible to propose a more equitable arrangement.

It is clear from this despatch that it is well understood that in no event would the boundary run further from the sea than the summit of the mountains, that the 10-league limit was inserted to provide for the contingency that these summits might be more than 10 leagues inland, and that the summits were selected instead of the base as giving the dividing line—to provide for the contingency that the base might run down to the sea itself.

In reporting to Count Nesselrode the exchange of the ratifications, Count Lieven stated that he had made a point of observing to the Secretary of State how rigorous the limitations insisted on by Great Britain appeared to the Imperial Government.

28

CHAPTER II.

DIPLOMATIC ACTION SINCE 1825.

During the period for which the country now known as Alaska remained part of the Russian dominions—that is to say, till 1867—nothing occurred to bring up the question of the application, upon the spot, of the boundary prescribed by the Treaty of 1825, except a difficulty as to passage up the Stikine River (dealt with hereafter), which concerned rather the right of navigation than the location of the boundary.

In 1871 British Columbia was incorporated into Canada. No survey of the boundary-line between that province and Alaska had ever been made, and the whole region was then unknown and practically inaccessible. The Dominion Government, however, at once took steps in the direction of getting the boundary ascertained. On the 11th July, 1872, the Lieutenant-Governor of British Columbia forwarded to the Dominion Government the copy of an address to him from the provincial Legislative Assemby reciting that the boundary-line between the adjoining territories of Alaska and the Province of British Columbia had never been properly defined, and requesting, especially in view of the probable development of mining operations in the northern part of that province, that the Dominion Government should take some action at an early date to have the boundary properly laid down.

The Dominion Government acceded to this request in a Report of a Committee of the Privy Council approved by the Governor-General on the 20th September, 1872. This Report was forwarded to Her Majesty's Government, and Sir Edward Thornton, British Ambassador at Washington, was instructed to approach the United States' Government upon the subject. A despatch from Sir Edward Thornton to Earl Granville of the 18th November, 1872, shows that he had mentioned the matter to Mr. Fish. The result of this communication was that the President, in his annual Message to Con-

29 gress on the 2nd December, 1872, recommended the appointment of a Commission "to act jointly with one that may be appointed on the part of Great Britain to determine the line between

the territory of Alaska and the co-terminous possessions of Great Britain. On the 17th December, 1872, a Bill to provide for the determination of the boundary-line was laid before Congress and read a second time. The proposal, however, fell through on account of the unwillingness of the United States to incur the necessary expense.

On the 12th February, 1873, Mr. Fish informed Sir Edward Thornton that the cost of the survey would be about 1,500,000 dollars for the United States alone, and that it could not be completed in less than nine years in the field and one in the office. He suggested that it would be sufficient to decide upon some particular point, such as the head of Portland Canal, the points where the boundary crosses the Rivers Shoot, Stakeen, Taku, Iselcatt and Chelkaht, Mount St. Elias, and the points where the 141st meridian crosses the Rivers Yukon and Porcupine.

Sir Edward Thornton's despatch referring to Mr. Fish's statement was communicated to the Canadian Government; and by a despatch of the 27th November, 1873, the Governor-General requested Major Cameron, Her Majesty's Boundary Commissioner, to furnish an approximate estimate of the cost and of the time required for carrying out the objects of any Commission that might be appointed to determine and define the boundary-line between British Columbia and Alaska. Major Cameron was supplied with a copy of Sir Edward Thornton's despatch, and later with a Memorandum made by Mr. J. S. Dennis, the Surveyor-General of the Dominion, in which the cost of a survey, limited in the sense suggested by Mr. Fish, was discussed.

On the 18th February, 1875, Major Cameron sent in his Report, in which he exhaustively discusses the relative difficulty and cost of the proposed survey, whether limited as proposed by the United States or carried along the whole boundary. With reference to the scope of the survey, he makes the following observations:—

"While the United States' Government have indicated a definite plan of procedure, and named the points of the boundary which they consider it essential should be marked, the Government of Canada make no reference to such details, and, therefore, leave it to be assumed that they expect the terms of the Treaty to be fully and strictly carried out.

"The cost of marking the line will be seriously affected by the view which may prevail on this subject."

No action was taken on Mr. Fish's suggestion or upon the reports of Mr. Dennis and Major Cameron.

In 1875, a question having arisen as to whether certain settlers on the Stikine River were in British or United States' territory, the boundary again formed the subject of discussion between Sir Edward Thornton and Mr. Fish. A despatch from Sir Edward Thornton to Lord Derby, dated the 27th September, 1875, records that Mr. Fish had communicated to him a couple of letters received from the United States' Collector of Customs at Sitka, in which it was alleged that the point where the settlement was established was below the British custom-house on the Stikine, which custom-house was also supposed to be within United States' territory, that is within 10 marine leagues from the coast. Mr. Fish then asked Sir Edward Thornton what he thought could be done to settle the question of jurisdiction. Sir Edward Thornton replied that the occurrence went to prove the wisdom of the recommendation of Her Majesty's Government that no time should be lost in laying down the boundary between the two territories. As it was, he said he could see no way of deciding the question except by send ing officers on behalf of each country to take observations and determine on whose territory the new settlers had established themselves. He observed that when the question of laying down the boundary was discussed about two years before, it was suggested that if the whole survey could not be made the points where the territory met could be fixed on the rivers which run through both of them. Mr. Fish replied that even for this partial survey he feared it would be difficult to obtain the necessary grant during the next session of Congress, but he suggested that as the weight of evidence seemed at present to be in favour of the point in question being in United States' territory, the settlers should be called upon to suspend operations for the present and until the question of territory could be decided.

31 This despatch was laid before a Committee of the Privy Council of Canada, who reported that, in view of the circumstances represented by Mr. Fish, the Government deemed it desirable that an officer should be sent by the Government of Canada or of British Columbia to ascertain whether the settlement alluded to and the British custom-house were within British terri-

tory. The Report points out that by the terms of the Treaty that portion of the boundary extending from the 56th degree of north latitude to the intersection of the 141st degree of west longitude following the summits of the mountains which extended in a direction parallel to the coast, and should these summits prove to be more than 10 marine leagues from the ocean the line should be drawn parallel to the windings of the coast, and should never exceed a distance of 10 marine leagues therefrom. The Report further points out that, as the line rested on so intricate a basis, a satisfactory solution could only be arrived at by accurately defining the point where the boundary intersects the Stikine River, and concludes with a recommendation that this point, if no other, should at once be settled.

In 1876 attention was again drawn to the Stikine River by the case of a convict named Peter Martin, in charge of Canadian constables, who had committed an assault upon one of them, for which he was tried and convicted in the British Columbian Court, at a point upon the Stikine alleged to be upon the United States' territory. A question also arose as to whether an establishment kept by a Canadian named Choquette on the same river was situated on British or United States' territory.

Under these circumstances, the Canadian Government, in March, 1877, sent Mr. Joseph Hunter, an engineer, to the Stikine River with instructions to ascertain with approximate accuracy the boundary on the said river between Canada and Alaska. His instructions, which were signed by Mr. Dennis, the Surveyor-General of the Dominion already mentioned, required him to lay down with approximate accuracy the crossing of the river (should the same occur within 10 marine leagues of the coast) by a line, in the words of the Treaty, "following the summit of the mountains
parallel to the coast." The instructions further stated that it
32 was assumed that the point on the river where the line would
cross, connecting the two highest peaks of the mountains situate parallel to the coast adjoining on either side of the river (if within the distance of 10 marine leagues from the coast, measured and estimated on a course at right angles to the general bearing thereof opposite), would give the crossing of the river by the international boundary at that point.

A tracing was inclosed showing such general direction, and embracing 30 miles on each side of the Stikine, such general direction being taken as north 32° west, or south 32° east true. Mr. Hunter was required, therefore, "to lay off or estimate the 10 marine leagues on a course at right angles thereto, or north 58° east."

In his Report, dated June 1877, Mr. Hunter stated that the crossing of the river by a line following the summit of the mountains parallel to the coast was situated at 19.13 miles from the coast, in a direction at right angles thereto.

Peter Martin had, in any view, been conveyed in custody through United States' territory, and he was therefore set at liberty.

The above facts and documents are referred to as showing that, when there was a question of applying the Treaty boundary on the spot, the Canadian Government put forward their view in strict accordance with the Treaty, working from the general direction of the coast-line, and acting on the principle that the 10 marine leagues line was to be applied only in the absence of mountains within that limit.

By a note dated the 15th January, 1877, Sir Edward Thornton, referring to the case of Mr. Choquette, above mentioned, had again drawn the attention of Mr. Fish to the expediency of defining the boundary. In this note Sir Edward Thornton makes use of the following language:—

"The general impression with regard to the boundary seems to be as follows: The Russian Convention of 1825 places it on the summit of the coast range of mountains when within 10 marine leagues, and when that range is not within 10 marine leagues then at the 10 marine leagues from the coast, but under no circumstances further in the interior. The coast range rises immediately from tide waters, and the summit of that range appears to be within 15 miles of the sea. This is shown by the fact that in the following up the valley of the Stikine, the axis of the range is passed at 15 miles from the coast; to
33 this distance from the sea the course of the river bears easterly, thence rounding the range in question northerly, receiving four or five glaciers which flow in an easterly direction from the summit of the range in the valley of the Stikine."

Sir Edward Thornton then proceeds to point out that these were facts which could not be positively decided without an actual survey. He stated that he had been instructed to urge upon the

Government of the United States to unite in a joint Commission to determine the point where the boundary intersected the Stikine River and on such other points on the boundary-line as might be considered advisable. In the meantime the *status quo* should be maintained. In conclusion, he added that if there were reasons which prevented the Government of the United States from agreeing to steps being taken for settling the boundary-line, Her Majesty's Government hoped that at least it would agree to some arrangement or *modus vivendi* by which no fresh claim injurious to either could be raised or strengthened.

In reply to this note, Mr. Fish, on the 20th February, 1877, informed Sir Edward Thornton that the attention of Congress had been requested to the subject. Congress, however, separated without any action having been taken.

On the 1st October, 1877, Mr. Plunkett, the British Chargé d'Affaires at Washington, wrote to Mr. Evarts, who had succeeded Mr. Fish, again asking to have the matter brought to the notice of the United States' Government. Mr. Evarts, on the 10th October, 1877, replied that the subject would again be brought to the attention of Congress upon its reassembling.

On the 13th December, 1877, Sir Edward Thornton called at the State Department in Washington for the purpose of again urging on Mr. Evarts the expediency of taking measures to settle the boundary. Not finding Mr. Evarts, he spoke to Mr. Seward, who suggested that, with regard to the Stikine, a provisional boundary might be arranged by an engineer on each side. Upon this suggestion being brought to the attention of the Canadian Government, it was recommended by a Committee of the Privy Council that Sir Edward Thornton be informed that the Canadian Government had already sent Mr. Hunter to the spot, and that copies of his Report had been sent to the British Legation and for the Department of State at Washington.

34 On the 19th January, 1878, Sir Edward Thornton transmitted to Mr. Evarts a copy of Mr. Hunter's Report, accompanied by a map showing the points where the boundary crossed the river, and inquired whether the Government of the United States would accept the boundary so ascertained until the exact line could be regularly determined. By a note of the 20th February, 1878, Mr. Evarts accepted this temporary arrangement, provided

it was understood that it was not to be construed as affecting in any manner the rights under the Treaty to be determined whenever a joint survey should be made.

Having regard to the proviso subject to which this arrangement was accepted by the United States' Government, Mr. Hunter's survey has no binding effect. The incident is, however, of importance in that it brought to the attention of the United States' Government the manner in which it was considered on the side of Great Britain the Treaty ought to be applied.

No further communications of importance with respect to this subject took place between the two Governments until 1884, when the question entered on a new phase. On the 24th April in that year Mr. Dall, an officer of the United States' Survey, writing semi-officially to Mr. Dawson, the Director of the Geological Survey of Canada, advanced the theory that a boundary according to the Treaty was impossible. "There being," he wrote, "no natural boundary, and the continuous range of mountains parallel to the coast shown on Vancouver's Charts having no existence as such, the United States would undoubtedly wish to fall back on the line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom of the Treaty. It would, of course, be impracticable to trace any such winding line over that 'sea of mountains.'"

The idea put forward by Mr. Dall was adopted by the Government of the United States. In a despatch addressed to Mr. Phelps, the United States' Ambassador in London, on the 20th November, 1885, Mr. Bayard, the United States' Secretary of State, referred to the question of the Alaskan boundary. He said the boundary agreed upon by the Treaty of 1825 was then, and still was, a theoretical one, based on the charts the negotiators had before them. He stated that he was not aware that any question had arisen with regard to it between Great Britain and Russia before 1867, and that it was certain that none had arisen since between the Governments of Great Britain and the United States. Dealing with the water boundary at the south of the line, he treated Portland Channel as lying to the south of Wales Island—a conclusion which he apparently based on the assumption that the Prince of Wales Island referred to in the Treaty was the island now (but not in 1825) known as Wales Island.

With regard to the eastern boundary Mr. Bayard wrote as follows:—

"There is, however, ample ground for believing that the erroneous premises upon which the negotiators apparently based their fixation of the inland boundary-line along the coast render its true determination and demarcation by monuments a matter of doubt and difficulty in carrying it into practical effect; and that, in prevision of the embarrassments which may follow delay in the establishment of a positive frontier line it is the interest and the duty of the two Governments to reach a good understanding which shall forthwith remove all chance for future disagreement."

On the 19th January, 1886, Mr. Phelps, in formally communicating to the Marquis of Salisbury the views of his Government, observed that the boundary indicated by the Treaty had no apparent ambiguity, but that it was described and established when the region through which it ran was entirely unexplored. With reference to the 10-marine league line, he writes as follows:—

"The only other indication of this part of the boundary contained in the Treaties, the limit of 10 marine leagues from the ocean, equally fails of practicable location. The coast proves, upon survey, to be so extremely irregular, and indented with such and so many projections and inlets, that it is not possible, except at immense expense of time and money, to run a line that shall be parallel with it, and if such a line should be surveyed, it would be so confused, irregular, and inconsistent, that it would be impossible of practical recognition, and would differ most materially from the clear and substantially straight line contemplated in the Treaties."

Mr. Phelps added, as the result of the whole matter, that

"These Treaties * * * * * really give no boundary at all so far as this portion of the territory is concerned."

36 The despatch concluded by suggesting that a Commission be agreed on to acquire materials to serve as a basis for the establishment of a boundary-line by Convention.

In the note above referred to, Mr. Phelps had asked to be furnished with a copy of a certain map of the Dominion of Canada geologically coloured, which had been referred to by Mr. Bayard. In forwarding this map on the 27th August, 1886, the Earl of Iddesleigh draws Mr. Phelps' attention to the fact that the Alaska boundary shown therein was merely an indication of the occurrence of a dividing-line somewhere in that region. It would, wrote his Lordship, be clearly understood that no weight could attach to the map location of the line denoted, inasmuch as the Convention between Great Britain and Russia made its location dependent on

alternative circumstances, the occurrence or non-occurrence of mountains, and, as was well known to all concerned, the country had never been topographically surveyed. The note ended by a distinct disavowal on the part of Her Majesty's Government of the correctness of the line shown.

In view of the importance which has been attached in the present controversy to the location of the line in a number of maps (to be referred to elsewhere in this Case), it is important to direct attention to the language held by Lord Iddesleigh on this, the first occasion, when such a map was handed by a Representative of the British to a Representative of the United States' Government, and immediately after the problems presented by the topography had attracted attention. In fact, the line depicted upon this map was of the character which had been recently described by Mr. Bayard as conjectural and theoretical.

No survey was made as suggested by Mr. Phelps.

In 1887 the attention of Her Majesty's Government was drawn to the report made by Lieutenant Schwatka, of the United States' army, of a military reconnaissance conducted by him in Alaska in 1883, in which he stated that he had traversed Perrier Pass, and used language implying that it defined the boundary. Acting on instructions from his Government, Sir Lionel West, the British Ambassador at Washington, by a note dated the 14th September, 1887, pointed out to Mr. Bayard that this was not admitted by Great Britain.

37

During the Fisheries negotiations between Great Britain and the United States, held at Washington in 1887–88, several informal Conferences took place, at the request of the British Commissioners, between Messrs. Dall and Dawson, at which the possibility of agreement upon certain conventional lines was discussed, but no result was reached from the report of these experts, the United States' Commissioners taking the ground that their powers did not authorize them to treat for an adjustment of the Alaska boundary.

The Report of these Conferences was laid before Congress by the President of the United States, and this document included a letter from Dr. Dawson, in which the Canadian contention as to the line crossing inlets is clearly put forward, and a letter in which this contention is combated with vigour by Mr. Dall, the American expert.

This Report contained a map showing how the boundary would run in accordance with the views presented by Dr. Dawson. On it the line is clearly marked as crossing the Lynn Canal in the vicinity of Berner's Bay.

This was the first occasion on which the boundary question had been discussed from the point of view of strict right since the topographical questions had emerged.

In June, 1888, information reached the Canadian Government to the effect that certain persons were about to receive a charter from the Alaskan authorities to construct a trail from Lynn Canal by way of the White Pass to the interior of Alaska. In bringing this rumour to the attention of Sir John Macdonald, the then deputy of the Minister of the Interior observed:—

"In view of the well-based contention on our part that the heads of the larger inlets which penetrate that portion of Alaska which consists of the coast-line from Mount St. Elias to Portland Channel, and more particularly the head of Lynn Canal, are within our territory, it would appear to be important to protest against the granting of any rights by the United States or Alaskan Governments at the heads of these inlets."

The attention of Lord Salisbury was at once called to this matter, and Her Majesty's Minister at Washington instructed to
38 inform the United States' Government that this Report had reached Her Majesty's Government, by whom it was presumed to be unfounded, "as the territory in question is part of Her Majesty's dominions."

Sir Lionel West, in communicating upon this matter with the United States' Government, omitted to specify precisely the locality to which the report had reference, and Mr. Bayard replied that neither his Department nor, as he stated in a subsequent note, the Department of the Interior had any information as to any proposed action of the character described.

In April, 1891, the attention of the Canadian Government was drawn to a Report of the United States' Coast and Geodetic Survey, in which it was stated that a survey was about to be made under the authority of Congress, which would involve the marking by monuments of a line through the Portland Canal to the 56th degree of latitude, thence north-westerly following as nearly as might be practicable the general trend of the coast at a distance of about 35 miles from it to the 141st degree of west longitude, thence due north to the Arctic Ocean.

Upon this Sir Julian Pauncefote was instructed to remind the United States' Government that the boundary at this point was at that present time the subject of some difference of opinion and of considerable correspondence, and that the actual boundary-line could only be properly determined by an International Commission. Sir Julian Pauncefote accordingly, on the 5th June, 1891, addressed a note to Mr. Blaine in conformity with these instructions.

In February 1892 a Conference took place between Delegates from the Canadian Government and the United States' Secretary of State, relating primarily to the extension and development of trade between the United States and the Dominion. At this Conference an agreement was reached respecting the Alaska boundary, which was embodied in a Convention signed at Washington on the 22nd July, 1892.

The preamble of this Convention recited that the parties were equally desirous of providing for the removal of all possible causes of difference between the respective Governments thereafter in regard to the delimitation of the existing boundary between their possessions in America in respect to such portions of said
39 boundary as might not, in fact, have been permanently marked in virtue of Treaties theretofore concluded.

Article I provided as follows:—

"ARTICLE I.

"The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary-line of the Dominion of Canada and the United States of America, dividing the Province of British Columbia and the North-west Territory of Canada from the territory of Alaska from the latitude of 54° 40′ north to the point where the said boundary-line encounters the 141st degree of longitude westward from the meridian of Greenwich by Commissions to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary-line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia.

"Application will be made without delay to the respective Legislative Bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two Governments shall meet at Ottawa within two months after said appropriations shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

"The respective Commissions shall complete the survey and submit their final Reports thereof within two years from the date of their first meeting.

"The Commissions shall, so far as they may be able to agree, make a Joint Report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

"Each Government shall pay the expenses of the Commission appointed by it.

"Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissions, may be conducted within its territory by the Commission of the other.

"The High Contracting Parties agree that, as soon as practicable after the Report or Reports of the Commissions shall have been received, they will proceed to consider and establish the boundary-line in question."

Mr. W. F. King was appointed Her Majesty's Commissioner, and the United States appointed Dr. T. C. Mendenhall, afterwards succeeded by General William Ward Duffield. The period for making this Report was afterwards enlarged to the 31st December, 1895, by a Supplementary Convention signed in February 1894.

It is to be observed that the Convention of the 22nd July, 1892, has reference to an existing boundary, and that it provided for the ascertainment of the facts and data necessary to its permanent delimitation in accordance with the spirit and intent of the existing Treaties. In view of contentions which have since been put forward in the course of this controversy, that the claim of the United States receives support from effect having before this date been given to their interpretation of the Treaty of 1825 by maps published or acts done with the acquiescence of Great Britain, it is important to observe that by this Convention the rights of the two Governments concerned are by agreement referred back to the Treaties. The facts and data to be ascertained were to be so ascertained by a joint survey. Previous cartography or acts of settlement were not embraced in the work authorized by the Convention, nor did the Commissioners, who properly confined themselves to the Convention under which they were appointed, report upon such cartography or acts of settlement, if any existed.

The Commissioners presented their Joint Report on the 31st December, 1895, followed in March, 1896, by elaborate maps, a reproduction of which accompanies this Case. The topographical results of their survey are examined elsewhere.

Gold having been discovered in the Valley of the Yukon beyond the passes lying at the head of Lynn Canal, great traffic was attracted to that region in the year 1897. The circumstances of settlement of

the disputed territory, and claims based thereon, arising out of this movement, are treated elsewhere. Following these events, Sir Julian Pauncefote, on the 23rd February, 1898, proposed to Mr. Sherman that the determination of the boundary should be referred to three Commissioners, one to be appointed by each Government and the third by an independent Power. He also expressed the hope that, pending such settlement, a *modus vivendi* could be amicably arranged.

The latter proposal was acted upon, and by exchange of notes,
it was provided that a provisional boundary should be
41 established. Reference to this instrument will show that it
was therein expressly provided that it should not affect the rights of either party in reference to the permanent delimitation of the boundary.

A provisional boundary was subsequently arranged on this basis, which is still being acted upon.

In the autumn of 1898 a Joint High Commission, comprising Representatives of Great Britain and the United States, met at Quebec, and afterwards adjourned to Washington, where it sat till February, 1899. The Commission was constituted with a view to the discussion and adjustment of a number of matters then in question between the two Governments. The business which was to occupy the Commission was arranged at a series of Conferences held at Washington in May, 1898. The Protocol of these Conferences recorded that it was expedient to come to an agreement upon (among other subjects) "provisions for the delimitation and establishment of the Alaskan-Canadian boundary by legal and scientific experts, if the Commission should so decide, or otherwise."

The Protocol further provided that each Government should communicate to the other, in advance of the meeting of the Commission, a Memorandum of its views on each of the subjects to be discussed.

In accordance with the above provision, Sir Julian Pauncefote was instructed to deliver to the Secretary of State at Washington a copy of a despatch of the 19th July, 1898, addressed by the Marquis of Salisbury to the British Commissioner, setting forth the views of Her Majesty's Government. This despatch, after adverting to the existing arrangement at the head of Lynn Canal, pointed out that, as the line there adopted was more than 100 miles from the ocean, Her Majesty's Government could not reasonably be expected to continue to accord it provisional recognition for an indefinite period; and, pending a definite settlement of the question, a

provisional line more in accordance with the Treaty stipulations should be adopted, which would allow the occupation by Canada of one of the ports on these inlets.

The despatch referred to the special reasons for an early delimitation of this part of the boundary, and stated that Her Majesty's
42 Government thought it desirable that, if possible, the Joint Commission should in any case agree on some provisional arrangement for fixing a temporary line on the various inlets and rivers traversing the strip, and also at any other point at which disputes might arise pending a final settlement of the question. It was added that the boundary-line must, in the first instance, be sought in the mountains which border the coast, and that the important condition that the line is nowhere to exceed 10 marine leagues from the coast governed throughout.

The Government of the United States, on Lord Salisbury's despatch being communicated to them, handed to Sir Julian Pauncefote a Memorandum setting forth the views held by them.

This Memorandum pointed out that the Alaskan boundary had already been the subject of conventional arrangements, and that the Report of the Joint Commission was now available, and had made it possible for the Governments to carry out the stipulation in the last clause of Article I of the Treaty of the 22nd July, 1892, to proceed to consider and establish the boundary in question. It was stated that the Government of the United States would expect the Joint High Commission to seek to execute this stipulation by an agreement as to the boundary as fixed by the Anglo-Russian Treaty of 1825 and by the American-Russian Treaty of 1867. The United States' Government, it was added, had no reason to anticipate any other than a definite and satisfactory settlement of this important question by the Joint High Commission.

The Joint High Commission embarked upon its labours under the provision of the two documents just reverted to. The discussions and negotiations which took place were understood to be confidential, and will therefore not be here adverted to. The Commission separated without any settlement being made either upon the basis of right or of convention.

The adjournment of the Commission was followed by proposals to refer the matters in dispute to arbitration, and after a long correspondence the Treaty under which this Tribunal sits was signed at Washington on the 24th January, 1903.

CHAPTER III.

CHARACTER OF TOPOGRAPHY.

The surveys made by the Commissioners appointed under the Convention of the 22nd July, 1892, disclose the following facts relative to the orography of the region bordering the coast:—

In general character this region is wholly mountainous; though narrow borders of flat land are to be found in the valleys of the rivers and inlets, and occasionally on the ocean front. As a rule, the land rises from the water's edge in steep wooded slopes, forming the frontal foot hills of high mountain ridges, which are surmounted by peaks 3,000 feet or more in height. The summits of these mountains are bare, the timber line not rising to that elevation on any part of the coast in question, and not averaging more than 2,500 feet.

Further inland the mountains rise to greater heights—to 6,000 or 7,000 feet and upwards—along the southern part of the coast, while to the west of Cape Spencer the very lofty mountains of the Fairweather Range are found rising immediately from the coast. Between Portland Canal and Cape Spencer the mountain barrier is penetrated by the valleys of rivers, streams, and inlets. These valleys run back in a direction nearly perpendicular to the general direction of the coast, and are usually nearly straight for a considerable distance.

Opening into these valleys on either side are subsidiary valleys, also in general approximately straight, and running approximately perpendicular to the directions of the main valleys, and in parallelism to the coast.

The heads of these side valleys thus extending from adjacent main valleys inosculate with one another and so furnish well-defined depressions, which separate the mountain masses adjacent to the coast from those lying further back.

Thus appears a number of short ranges, or elongated mountain masses, of length considerably exceeding their breadth, and lying

with their lengths parallel to the general trend of the coast which fronts them.

44 To an observer passing along the channels which separate the mainland from the adjacent archipelago, these mountains present the appearance of a range, parallel to the coast, which in general hides from his view the mountains behind, which are seen only where the coast mountains are cut across by the valleys above referred to.

At the northern end of Glacier Bay, the Muir Glacier discharges into the sea. The southeastern corner of this glacier also discharges into the Endicott River, which on a very direct eastern course, with very little descent, discharges into Lynn Canal.

Extending in the opposite direction, the northwest arm of Glacier Bay penetrates far inland, and separates the massive range of the Fairweather Mountains, lying north of Cape Spencer, from the mountains of the interior lying between Glacier Bay and the Chilkat River.

Continuing north-westerly from Cape Spencer, the mountains above mentioned rise almost immediately from the ocean, until Alsek River is crossed.

This range is now commonly known as the St. Elias Alps. They lie well back from the shore, leaving a considerable margin of low-lying land between them and the ocean, until Yakutat Bay, and its continuation, Disenchantment Bay, are reached. West of Yakutat Bay lie Mount St. Elias and the mountain ridges between it and the ocean, which are almost submerged in the Great Malaspina Glacier.

45

CHAPTER IV.

THE QUESTIONS TO BE ANSWERED.

FIRST QUESTION.

The first question to be answered by the Tribunal is—

"*What is intended as the point of commencement of the line?*"

The description in the Treaty of 1825 is—

"A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54° 40′ de latitude nord et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich)."

The British Case on this head, proceeding, as it is believed, on admitted or indisputable facts, may be stated briefly and in general terms, supported by some references to the overwhelming evidence on which it is based.

Article IV of the Treaty provides—

"Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent—

"1. Que l'île dite *Prince of Wales* appartiendra toute entière à la Russie."

It is true that an attempt was once made by the United States to apply this language to the island latterly named Wales Island, the southeasterly point of which Vancouver had named Point Wales after a friend.

But it is understood that this contention is no longer pressed, and it will be so treated at present.

There can, indeed, be no doubt that "Prince of Wales Island," wherever it occurs, refers to the large island to the north of Dixon's Entrance shown in Vancouver's charts and described in his book, the main sources of information available to the negotiators. This land was rightly surmised by him to be "much broken and divided by water," but he did not verify his supposition,
46 and, while calling what was in fact a group by the name of "Prince of Wales Archipelago," he showed it in the chart, unsurveyed, as one island. Nor did he fix astronomically the

situation of the southern points. It was thus naturally called Prince of Wales Island during the negotiations and in the Treaty.

There are two southern points on this land, shown on the chart—Cape Chacon and Cape Muzon—both within the limits of longitude, and both very near the latitude mentioned in the clause. And, indeed, there is also on Bean Island a small island lying close on the west side of Cape Chácon, a point called Cape Nunez, the latitude of which is now ascertained to be between those of the two Capes Chacon and Muzon. This island may be treated as a discrepancy, and need not be separately noticed hereafter.

Obviously the negotiators, ignorant of the precise latitude, and therefore uncertain of the precise situation, desired to describe whatever point should turn out to be the most southerly. Recent investigations have shown that while Cape Chacon, the more easterly, is in latitude 54° 41′ 25″, Cape Muzon, the more westerly, is in latitude 54° 39′ 50″, being thus slightly the more southerly.

Cape Chacon is, in fact, on Prince of Wales Island, the great island of the archipelago, and later formally distinguished by that name; while Cape Muzon, though represented, as from a distance it appeared to Vancouver to be, on a peninsula of that same island, is, in truth, on a separate island close adjoining.

Thus, Cape Chacon is the most southerly point of Prince of Wales Island as now known, and is the point in this sense answering the description. And it might be from one point of view rather more favourable to Great Britain than Cape Muzon.

But Great Britain concedes that it sufficiently appears that Cape Muzon, the more southerly point, fulfils the essential conditions of the Treaty, and should be held to be the point of departure.

And the result is, after all, substantially the same for the purposes in hand, whichever Cape is chosen. For the point under discussion is, in truth, important only as the starting-point of a line which was to leave the whole of Prince of Wales
47 Island to Russia and which was to ascend to the north along the "passe" called Portland Channel. (See Article III: "La dite ligne remontera au nord le long de la passe dite 'Portland Channel.'")

It thus appears (as will be elaborated on the subsequent questions) that if the starting-point should be held to be Cape Muzon,

the line should yet, in order that Russia may possess the whole of Prince of Wales Island, hug or be deflected round Cape Chacon, which would thus become a fresh, and the only important, point of departure.

What has been said would suffice as a statement of the British view. But it is understood to be the contention of the United States that the point in question is absolutely governed by the parallel of latitude mentioned later in the description, namely, 54° 40′.

The point so fixed being slightly north of the extremity of Cape Muzon would, of course, but for the later provision that the whole of Prince of Wales Island should belong to Russia, cut off a small part of that cape, but the use of this geographical description avoids all question.

It is not proposed here to anticipate in detail the case of the United States, and Great Britain reserves her right to deal later fully therewith as it may be presented. But it may be proper and convenient that the construction of the Treaty advanced by Great Britain should be at once fortified by a brief summary of the case for taking the geographical, rather than the astronomical, as the governing definition.

The order and the terms of the clause of themselves would produce this result; if there be any conflict between the parts, the reading of the sentence shows which part prevails.

Other considerations are these: On the language of the Treaty, the whole of Prince of Wales Island was to belong to Russia. It was intended to define a starting-point, and a line of demarcation was to be drawn therefrom which would leave that island on the Russian side of the boundary.

Accordingly, the southernmost point of Prince of Wales Island was designated as such point. It had not yet been ascertained which was such southernmost point. Therefore, it could be, and was, defined only, but also adequately, by the general geographical
48 description. That description was certain; for astronomical observations, when taken, would make it so, and *id certum est quod certum reddi potest.* But the ascertainment not having, as yet, taken place, a doubt remained whether the point was to the westward at Cape Muzon, or to the eastward at Cape Chacon.

The result of the determination by observation of one or the other of these points as the more southerly might obviously change the incidence of the line to be drawn thence to the Portland Canal as regards Prince of Wales Island.

The line, if running from the westerly point on a course sensibly to the north of east, might (as, indeed, so running from Cape Muzon it would) cut off some part of Cape Chacon. This result was obviated by the provision with regard to the line of demarcation that the whole of the island should belong to Russia.

Everything thus confirms the view, clearly indicated by the words of the clause, that the geographical description was intended to be, and, in fact, was the true description.

To this description, complete in itself, are added some astronomical indications. These, however, are in form, as necessarily they must have been, general and incomplete. On their face, they do not even profess to fix any point at all. The definition of a point by astronomical co-ordinates demands definite parallels both of longitude and latitude, the intersection of which gives the point. Here the latitude is given as "sous la parallèle due 54° 40′ de latitude nord," which tells us whereabouts the latitude of the southernmost point was assumed to be.

It tells us in this case no more than whereabouts; for the words all taken together show that (as the fact was) the exact latitudes of the points were unknown. Had they been known, the southernmost point could and would have been fixed in the Treaty.

So much as to the latitude. But (just because the latitudes being unknown the southernmost point might be either Cape Muzon or Cape Chacon) there could be no attempt even to approximate the longitude, which depended on the unascertained fact. Accordingly, no such attempt was made, and the longitude is stated to be "entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich)."

Thus there is no attempt to fix the point astronomically,
49 for there is no fixed point of intersection. That point may occur anywhere along about 70 miles of longitude. Where? To answer that question, it would be necessary to revert to the geographical description; and that brings us once again away from the parallel down to the southernmost point of Cape Muzon. The astronomical description is thus fatally defective, and cannot be substituted for or control the complete geographical description.

The astronomical indications thus appear to have been added merely for easier identification of the locality at which the geographical point appeared to be situate, and not, in intent any more than in form, as co-ordinates by which that point could, with the existing knowledge, be at the moment fixed.

Reference to the course of the negotiations, so far as permissible, would confirm this view.

It may be added that, on the mere question of starting-point, there appears, on the theory already suggested when dealing with the geographical description, no substantial difference in practical results between the geographical and the astronomical indications. It is, however, understood that the contention of the United States is raised in order to secure a starting-point on the parallel 54° 40′, with a view to setting up the contention that the line should run for no less than 74 miles along that parallel. This, however, arises on a subsequent question, and, therefore, is here left untouched.

SECOND QUESTION.

The second question to be answered by the Tribunal is—

"*What channel is the Portland Channel?*"

The words of the Treaty are—

"La dite ligne remontera au nord le long de la passe dite *Portland Channel.*"

The only canal known by the name of Portland at the time of the Treaty had been surveyed, charted, described, and named by Vancouver as Portland Canal, and is so called in the first edition of his book, but changed in the second edition to Portland Channel. The variation seems immaterial.

50 Reference is made to Vancouver's charts in the Atlas, Nos. 1, 2, and 3, and also to the compiled map, No. 37, in which the various different contentions are shown.

Great Britain contends that "la passe dite 'Portland Channel'" means the channel which Vancouver named Portland Canal, and which enters from the ocean between Tongass Island and Kannaghunut Island, leaving Sitklan, Wales, and Pearse Islands on the south and east, and extending northerly 82 miles to its head. Great Britain further contends that if, contrary to the British view, there is to be any departure from the nomenclature and descriptions of Vancouver as the controlling element of decision, then the line

should be determined to run up Clarence Strait and Ernest Sound, or up Behm's Canal, on one or other side of Revilla Gigedo, any of which courses would fit the other particulars of description in the Treaty more closely than does Portland Canal.

Postponing the discussion of this alternative suggestion, it is proposed now to state the case on the inquiry as to what was Vancouver's Portland Canal. The answer must depend on the evidence to be found in Vancouver's book and charts, known to have been before the negotiators, and the sole, or, at any rate, the main and best sources of information on this head. To which has to be added whatever evidence may be supplied by the negotiations themselves and a few other then existent maps.

As to the greater part of the length of the Portland Channel above shortly described, there is not, and could not be, any dispute. Reference to the charts will show that, at any rate, that portion of the westerly water which extends inland from the upper end of Pearse Island to the head of the channel marked "Portland Canal" must be comprised in Vancouver's Portland Canal. And this is the common case of both sides. The dispute is as to the remainder of the channel.

Great Britain contends that this remainder, as surveyed, charted, described, and named by Vancouver himself, is the continued passage seaward between Pearse, Wales, Sitklan, and Kannaghunut Islands on the east and south, and the continental shore, Fillmore and Tongass Islands on the west and north.

The United States contend that Vancouver's Portland Canal,
51 commencing at the head, turns along the branch between Pearse Island and the peninsula, passes Ramsden Point, in Observatory Inlet, and reaches the ocean by the channel between Pearse and Wales Islands on the west, and the easterly continental shore, entering the ocean between Point Wales on the west and Point Maskelyne on the east. This contention involves the question, "What was Vancouver's Observatory Inlet?" For if, as Great Britain contends, that inlet comprised the channel just mentioned, then it can hardly be part of Portland Canal.

Now, it is common ground that the easterly channel inland from Point Ramsden to its head is comprised in Observatory Inlet.

But Great Britain contends, while the United States deny, that the continuation of this channel, from Point Ramsden to the ocean between Point Maskelyne and Point Wales, is part of Observatory

Inlet, as surveyed, charted, described, and named by Vancouver himself, at the same time at which he dealt with Portland Channel.

It will thus be important to ascertain whether Observatory Inlet extended from the ocean to its head, or was only an inlet of an inlet; beginning at Point Ramsden at the head of another inlet, either unnamed or being part of Portland Canal.

In this view, and also because the order of Vancouver's explorations and nomenclature naturally lends itself to the treatment, it will be found most convenient to begin, where Vancouver began, with the approach to Observatory Inlet, and to sketch his progress and work as shown in his charts and book, of which the relevant passages are to be found in the Appendix.

Vancouver's object was to find and trace the continental shore, a task rendered difficult by the multitude of large and mountainous islands off the main coast, and by the long and narrow indentations or fiords cutting into that coast. He was often disappointed, finding what he thought mainland to be island and what he thought island to be mainland.

On the 21st July, 1798, Vancouver took his ships through Brown's Passage eastward, naming the Passage and Dundas Island as he passed, and reaching the entrance of an arm, up which he expected from the report of Mr. Brown to find an extensive inland navigation. To the south-east point of entrance of this arm (which
52 is according to the British contention Observatory Inlet) he gave as he passed it the name of Point Maskelyne.

He proceeded up the arm, exploring the indentations, and passing on the 22nd July a channel or branch to the west, extending north-north-westerly, so large that he doubted whether it might not be the main channel. This was the branch between Pearse Island and the Peninsula, off Ramsden Point, which he, as will appear, explored later. But at that time he decided to continue his pursuit of the north-north-east arm in which he was, and he eventually gained Salmon Cove far up the inlet. There he established an Observatory, and left the ships in charge of his officers, with instructions to take a series of observations.

He himself set out up the inlet in boats, and completed the exploration to the head, without finding the supposed extensive inland navigation, and returned disappointed to the ships at Salmon Cove.

He now believed that the continental shore extended far up the branch already mentioned between Pearse Island and the Peninsula; and accordingly proceeded to explore up that branch. On the 27th July he turned the easterly point of the entrance, which he then named Point Ramsden. Passing through the branch, he turned the other point of the Peninsula, and, proceeding inland, explored to its head the long and narrow water which is on both sides agreed to be embraced in Vancouver's Portland Canal.

Once more disappointed, he retraced his course as far as the branch between Pearse Island and the Peninsula. He did not re-enter that branch, but continued down the western channel along the western or continental shore, leaving Pearse and Wales Islands to the east and south.

On the 1st August, "in order to keep the continental shore on board," he quitted the main channel, there about a mile wide, "and whose shores appeared to be most broken, as if admitting several passages to the sea," for a narrow channel by which he passed round the greater part of an island (*Fillmore Island*), so regaining the main channel at its other end.

On the 2nd August he observed "the southeastern side of the canal to be much broken, through which was a passage leading S.S.E. towards the ocean" (*Tongass Passage*).

In the hope of gaining a more northerly and westerly com-
53 munication with the sea, he did not take this passage, and soon found that the channel he was then pursuing also communicated with the ocean, making the land to the southward one or more islands (*Sitklan* and *Kannaghunut Islands*). He found that from the north-west point of this land, situate in latitude 54° 45½′, longitude 229° 28′ (this, it may be remarked, was on *Kannaghunut Island*, and indicates the entrance of the channel), the Pacific was evidently visible. He had thus been still pursuing the westerly channel, keeping Sitklan and Kannaghunut Islands to the south, and Tongass Island to the north.

This ended the exploration; and, on the following day, the 3rd August, he turned northward, and, after exploring Nakat Inlet, turned westward, reaching a point on the continental coast which he then named Cape Fox, and took shelter for the night in a cove close by. His journey had thus comprised the ascent of the canal from the point at which he entered it by the branch to its head, and its

descent past that point by the westerly and northerly channel, to the ocean between Tongass and Kannaghunut Islands, in latitude 54° 45½′, longitude 229° 28′. This examination occupied from the 27th July to the 2nd August.

Vancouver then proceeded to explore Revilla Gigedo and other neighbouring islands.

On the 14th August, on his return to the ships, he passed across the south-east entrance of the canal of Revilla Gigedo, taking shelter for the night in the same cove near Cape Fox. And his book proceeds to say:—

"In the forenoon (*that is of the next day, 15th August*) we reached that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles, which, in honour of the noble family of Bentinck, I named Portland's Canal."

Now the distance as measured by Vancouver's chart from the ocean to the head is about 72 miles, and this naturally accounts for his figure; but the true distance, as modern charts show, is 82 miles. Thus, Vancouver was 10 miles short. This is accounted for by the fact that on his chart the head of the canal is erroneously placed in latitude 55° 45′, while the true latitude is 55° 55′, a difference of ten minutes, or 10 miles. The probable explanation is that his observation for latitude near the head of the canal taken at noon on the 29th July was erroneous.

54 Thus the whole canal from the sea to the head, keeping the course already described, is shown to be Vancouver's Portland Canal, identified and named by him on the 15th August; and the British contention is clearly established.

From the point last described, Vancouver, half starved, made for his ships in Salmon Cove; where, in view of the good results attained in astronomical and nautical observations, he named the water Observatory Inlet.

On the 17th August he set out in the ships on his return to the ocean by the same route by which they had entered. As his book describes this return, they "did not reach the entrance of Observatory Inlet until two o'clock in the morning of Tuesday, the 20th, a distance of not more than 13 leagues from Salmon Cove." The distance, according to a modern chart, from Salmon Cove to the entrance between Point Maskelyne and Point Wales, is about 40

miles. The words quoted, without more, show to demonstration that the entrance of Vancouver's Observatory Inlet was there, at the ocean.

An additional and final demonstration of this fact is given by the immediately following passage, "The west point of Observatory Inlet I distinguished by calling it Point Wales."

It thus appears that when entering the arm which has been described, Vancouver named its easterly point of entrance Point Maskelyne; that when setting out from Salmon Cove on his return he named Observatory Inlet; that he closely estimated the distance from Salmon Cove to the ocean entrance of that same Observatory Inlet at 13 leagues; and that as he passed what he calls "the west point of Observatory Inlet" he named it, as such, "Point Wales," which is shown just opposite Point Maskelyne.

The general result then is a conclusive demonstration that Vancouver's Observatory Inlet was the Channel extending from Point Maskelyne and Point Wales at the ocean, past Salmon Cove, to the head; and that his Portland Canal was the channel between Tongass and Kannaghunut Islands at the ocean, past Sitklan, Wales, and Pearse Islands on the south and east to the head; and that this latter is "la passe dite Portland Canal" of the Treaty.

The correctness of these views of Vancouver's action is, indeed, acknowledged in the Report of Mr. Dall, a United States' Officer, presented by the President to Congress, and printed amongst its documents. Mr. Dall concludes his résumé of Vancouver's account by saying that "if the treaty is to be tried by Vancouver's text, it will result in giving to Great Britain the above-mentioned islands (meaning Wales and Pearse Islands), and some other small ones" (doubtless referring to Sitklan and Kannaghunut Islands). The only opposing argument he makes is that there is "a certain discrepancy between his charts and his text."

And the alleged discrepancy is that on two of his charts the places alongside the waters at which are printed the names "Portland Canal" and "Observatory Inlet" do not (though it was physically possible that they should) extend southward as far as Pearse Island, and are thus, as he suggests, attached to the two upper parts alone. He admits that on a third chart the names do extend past the head of Pearse Island, but he says the larger charts would produce the stronger impression.

It is thus that Vancouver's text is to be contradicted and overborne! The printed names, of which the location is criticized, do not extend to either end of the channel alongside which they are placed. They are, notwithstanding, to reach to one end, but not to the other. They were probably so placed because those parts of the map afforded clearer spaces for printing. But it is needless to continue; the statement of his proposition is its sufficient refutation.

It remains to deal under this head with the other relevant facts and action preceding the conclusion of the Treaty, of which there are but few. There are, however, some other maps which appear to have been used by one or both of the negotiators, as to which it is convenient to point out here that the maps of Arrowsmith and Faden both show the name "Portland Canal" extending beyond the head of Pearse Island, and that the Russian charts of 1802 and 1826 show the latitude of the mouth of Portland Canal as 54° 45½'.

The only preliminary action, if such it can be called, consists of the references during the negotiations to Portland Canal and Observatory Inlet. As to these, the various proposals and counter-proposals affecting this branch are summarized in the answer on the third question.

56 It is submitted that these negotiations contain nothing which can adversely affect the conclusions already drawn.

There are, however, at any rate two papers so clearly confirmatory of those conclusions as to justify special notice here.

The first is Baron Tuyll's suggestion to Count Nesselrode, so early as the 21st October, 1822, in which he says:—

"Mais dans la supposition que l'on ne pût réussir à étendre les frontières de la Russie beaucoup plus vers le sud, il serait, ce semble, indispensable de les voir au moins fixées au 55e degré de latitude nord, ou, mieux encore, *à la pointe méridionale de l'Archipel du Prince de Galles et l'Observatory Inlet*, situés à peu près sous ce parallèle. Tout voisinage plus rapproché des établissements Anglais ne pourrait manquer d'être préjudiciable à celui de Novo-Archangelsk, qui se trouve sous les 57° 3'."

This shows that Russia knew that Observatory Inlet entered the ocean at a point substantially as far south as the southernmost point of Prince of Wales Island, and thus that she read Vancouver's book and charts in accordance with the present British contention.

Russia, however, did not at any time propose Observatory Inlet.

And it cannot be supposed that when, later on, after tedious negotiations, she proposed Portland Channel, she meant the entrance of Observatory Inlet.

The second notable document is Sir Charles Bagot's proposal to Russia of February–March, 1824, made in amendment of the Russian proposal of that period to adopt Portland Channel.

In this he says:—

"Comme il a été convenu de prendre pour base de négociation les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les Plénipotentaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'île du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139e degré, &c., ôteroit à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entre les latitudes 56° et 54° 45′."

This shows that the British understanding, communicated
57 to and not questioned by Russia, was that Portland Channel entered the ocean in 54° 45′, which is a very close approximation to Vancouver's observation, already given, of 54° 45½′, for Kannaghunut Island, and is identical with the position given on the Russian charts of 1802 and 1826 to the entrance of Portland Canal. It does not fit Point Wales, which was plainly in a lower latitude, and is now ascertained to be in 54° 42′ 15″. Sir Charles Bagot's statement, therefore, shows the view taken at the time as to the entrance of Portland Canal, coinciding with the British Case now presented.

Thus, that affirmatively appears which, even in the absence of any such evidence, would yet be the clear and undubitable presumption, namely, that there was not, on the one hand or the other, any mistake as to either Portland Channel or Observatory Inlet, and that both sides correctly understood the entrances and courses of those channels to be according to the facts already demonstrated, and dealt with each other on that footing.

It is possible that the comparative facility of navigation of Observatory Inlet over Portland Channel may be urged as an argument for the adoption of the former as the Portland Channel mentioned in the Treaty. Any such argument must be dissipated by the precise and unmistakable description of Portland Channel already

given; to overbear which, on any such ground, would be to refuse all respect for, or adherence to, the terms of the Treaty.

To this view may be added these observations. The 55th parallel was the limit of the Russian claim; any suggested further extension southward to about 54° 40′ being but local, for the express purpose of giving Russia the whole of Prince of Wales Island, which appeared to extend to about that parallel.

Portland Channel, as described, was the first natural continental boundary beginning below 55°, and was presumably proposed on this ground. Portland Channel was proposed, not on any claim or contention for inland navigation, but solely as a convenient natural boundary to the suggested continental possessions of Russia. These possessions were claimed only as assential to the beneficial enjoyment of the islands and their trade.

The appellation, given in the Treaty to the canal, of "passe," is in itself indicative of a narrow channel, and fits the true
58 Portland Canal far better than it does the broad waters suggested in substitution.

If convenience is to be considered, there are infinitely stronger arguments against the admission of the United States as successors in title of Russia to the navigation of Observatory Inlet and the sovereignty of Wales and Pearse Islands. For such admission would give domination of the continental coast opposite, and the important point of Port Simpson, to the great prejudice of Great Britain. Indeed, this is the consideration, and not that of the value of Wales and Pearse Islands in themselves, which really makes the question of Portland Canal of substantial interest to either nation. Great Britain is naturally desirous of safety against attack, which has, as she conceives, been secured by the true construction of the Treaty. These islands are valuable to her for defence; they can be valuable to any other Power only for attack.

But, in truth, neither ground can be justly urged as affecting the interpretation of the Treaty.

Reference must now be made to matters subsequent to the Treaty which may, under the terms of the Convention, be assumed to affect its interpretation.

It is submitted that there is, in regard to this question at any rate, no ground for changing, by any subsequent matter which can be set up, the plain and clear conclusion to be reached on the

contemporaneous evidence as to the meaning of "la passe dite Portland Channel."

And any suggestions to a contrary effect will be just touched on here, in the same spirit and under the same reserves as apply to some suggestions so touched on in dealing with the first question.

It is submitted that (whatever weight might be given to matters of the nature referred to, were the question one of the interpretation to be assigned to a document fairly susceptible of more than one meaning, on the ground that both Parties had by their acts clearly given to it the interpretation claimed) such matters should not be used here to overbear a meaning so conclusively established.

There seems, indeed, to be little or nothing of any adverse significance in early years.

59 The practice of some cartographers, prior to the Treaty, was to treat as the more important water Observatory Inlet, which had been the scene of the astronomical observations by which the survey of the region generally was corrected; and sometimes, accordingly, it alone is named, Portland Channel being delineated without name.

But in the years following the Convention, Portland Channel, presumably by reason of the importance it had acquired through that transaction, appears named, while Observatory Inlet is sometimes left without a name.

As to the lines laid down by cartographers, reférence is made to the work of Mr. Greenhow, Translator and Librarian of the Department of the State of the United States, and a man of high repute. In the map in his history of Oregon and other regions, published in Britain in 1844, and in the United States in 1845, he shows the water boundary running to the north of the islands, in accordance with the British contention.

And it is believed that no map has been found showing any contrary indication till a comparatively late date.

Indeed, upon the cession by Russia to the United States, they dispatched troops to occupy the territory, and stations were established at various points, one of which was at Tongass, just north of the Portland Channel. The fair presumption is that this was because that was the limit; for had Wales Island been the limit, surely an occupying force would have been stationed there, or on Pearse Island, instead of at Tongass.

It would seem that the first departure from Vancouver's nomenclature was in 1853, when the Hydrographic Department of the British Admiralty, on the occasion of a fresh survey of Queen Charlotte Island and adjacent coasts, applied to that part of Observatory Inlet, which extends from Pearse Island to the sea, the name of Portland Inlet.

No authority has been traced for bestowing this name; but it seems not to have been unusual for those engaged in surveys or in cartography from time to time to distinguish named regions more minutely or to give names to unnamed points. And it seems to be a common practice when, for example, an island point
60 has been named, for later surveyors or cartographers to assign the name of the point to the island also. So it happened that Wales Island was, in 1853, named by the British Admiralty. Pearse Island was first named in 1868, and then by the British Admiralty Surveyor. The name Pearse Canal was first applied to the lower part of Portland Channel in a United States' chart so late as 1885. Whatever complication or confusion has arisen is perhaps traceable to the application of the name Portland Inlet as described.

There seems to have been a system of communication of their charts between the Admiralty Departments of the different Powers, under which the later charts of one country were used in the preparation of succeeding charts in the other. And such, of course, was the habit of private cartographers. Thus, there would be a natural tendency to the reproduction of a fresh name or line on all later charts.

In the absence of any question raised as to the boundary which would attract attention to the matter, such matters are, it is submitted, of no importance. And, at any rate, they do not destroy, or even weaken, clear existent rights.

There is one remaining transaction of late date which is more fully dealt with hereafter, to which a short allusion should now be made.

After the question of the boundary had become urgent, and a joint survey under the Commission of 1892 had proceeded, the United States, in 1896, caused small storehouses of about 15 feet by 20 feet dimensions, never used or occupied, to be built, one on Wales Island, a second on Pearse Island, a third on Halibut Bay higher up on Portland Canal, and a fourth on Salmon River,

near the head of the canal. These erections were indicated in a United States' coast survey chart, whereupon in 1902 Great Britain called attention to the fact, and asked explanations. In reply, it was stated by the Secretary of State that on examination of the charts of the region he found no indication of storehouses at the points named, and that he was not aware that Great Britain had advanced any claim to the region before the signature of the Protocol of 30th May, 1898.

On reference being given to the number of the chart, the Secretary of State explained that the omission of the storehouses on the later issues was caused by an oversight of the draughts-
61 man, and that they would appear on the later charts to be issued.

It is submitted that no transaction of this nature, accomplished at that juncture under those circumstances and with such obvious intent, could, even had it passed unnoticed, avail to strengthen the claim of the United States or to weaken that of Great Britain.

Allusion was made at the commencement of the discussion of this question to alternative water routes.

As then stated, the British view is that the language of the Treaty, applied to the relevant extrinsic evidence, so inevitably fixes Vancouver's Portland Canal as being "la passe dite Portland Channel," that it is hopeless to contend for any other route—hopeless, for example, to propose, as do the United States, the substitution of the lower part of Observatory Inlet for the lower part of Portland Canal.

This view is maintained by Britain, in spite of the fact that there are, with reference to the other parts of the description of the line—both of that part which runs from Prince of Wales Island into and up the canal, and that part which strikes the 56th parallel, and thence follows the crest of the mountains situated parallel to the coast—some difficulties as to its adoption. These difficulties will crop up again in the discussion of the subsequent questions. They may, for the present purpose, be adequately summarized as follows:—

First; the line from Prince of Wales Island to the channel is, under the Treaty, to start from a point, from which it is to ascend to the north, along the passage called Portland Canal.

Reference is made to the map for better comprehension of the statement.

It is obvious that instead of ascending to the north from Prince of Wales Island, the course, if the contention of the United States were adopted, would be due east for 74 miles; while, if the British view be taken, it will be a course north 85° east for 66 miles, there being in the latter case but little northing, while in the former there is absolutely none, for these considerable distances.

Though the British contention does give some northing, and so far inflicts less violence on the language than that of the United
62 States, yet neither of these results can be said to accord with the more obvious import of the description, which points to a northward line from Prince of Wales Island.

Next, the line is to ascend north along the channel up to the point of the mainland where it reaches the 56th parallel. There is a moot point not now to be debated: What is "it"? Is it the line, the channel, or the land?

From the 56th parallel the line is to follow the crest of the mountains parallel to the coast, being by subsequent provisions those lying within not more than 30 miles of the Ocean.

The natural construction of the language seems to contemplate a point on the channel where the parallel and the coast-mountains meet.

But Portland Canal does not fulfil these conditions. According to Vancouver's work, the only source of knowledge then available, it ends about 15 miles, and, according to recent surveys, about 5 miles south of the parallel. And the required mountains do not approach any part of the channel; nor do they coincide with the 56th parallel short of a point near the coast on a course north 85° west from the head of the channel.

It thus becomes necessary, in order to reach the separated points assumed to be coincident, either (1) to run the line from the head of the channel along the course just mentioned, which is the shortest way of reaching the point of coincidence of the coast-mountains and the parallel, or (2) to run it north to the parallel and thence along the parallel to the same point, or (3) to run it in the general direction of the course of the canal to the parallel and then along the parallel as before.

The general result is that the description does not fit the facts, and it is necessary to project lines not specifically designated in the Treaty, and to take courses easterly, northerly, and westerly along three sides of a great square in order to bring Portland Canal into the line of demarcation.

These are results so extraordinary that they can be accepted only on the hypothesis that, under the specific words of the Treaty, it is imperative to find and follow Vancouver's Portland Canal.

And be it remembered that to get into that canal by Observatory Inlet would only make bad worse.

63 But if this hypothesis were discarded, it is clear that there are other channels which so well meet the difficulties, and, in all but name, fit the description, that—only looking over the ground and applying to it the words of the Treaty—there could be no hesitation in concluding that one or other of these, and not Portland Channel, is what the words import.

Taking these routes for convenience in their order of proximity to Prince of Wales Island, and of conformity to the indicated line, the first is by Clarence Straits and its continuation, Ernest Sound; through which channel a line can be drawn ascending north all the way from Prince of Wales Island, and striking (as nearly as can in the nature of things be expected when water is to meet a mountain crest) a point coincident at once with the channel, the parallel, and the mountains.

The next route is through Clarence Straits and Behm's Canal, on the west of Revilla Gigedo, past Bell Island at its head, to Burroughs Bay, on which route a line can be drawn achieving substantially the same results.

The last is past the south-easterly point of Revilla Gigedo Island, through Behm's Canal on the east of that island, past Bell Island to Burroughs Bay, on which route again, though less directly than by the others, a line can be drawn with like results.

It cannot be denied that reference to the course of the negotiations raises difficulties in the way of the adoption of any of these lines.

But it is only by applying the course of the negotiations, and drawing from them both negative conclusions as to these lines and affirmative conclusions as to Portland Canal, and by holding that

the Treaty words "dite Portland Channel" absolutely control, that a case can be made for that route against other suggested lines.

Great Britain then, agreeing to Portland Canal, claims that it is the Portland Canal of Vancouver, and is not to be at all departed from.

But she claims also that, if departed from, it is not the entrance of Observatory Inlet (which would aggravate some and diminish none of the difficulties), but one of the other routes above indicated that should be preferred, as most nearly answering the language of the Treaty.

64 THIRD QUESTION.

The third question to be answered by the Tribunal is—

"*What course should the line take from the point of commencement to the entrance to Portland Channel?*"

The words of the Treaty are—

"A partir du point le plus méridional de l'île dite *Prince of Wales* lequel point se trouve sous la parallèle du 54° 40′ de latitude nord, et entre la 131e et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite *Portland Channel*," &c.

The question rightly assumes that the course of the line must be from the point of commencement to the entrance of Portland Channel.

The British view as to these two points has been already stated, and, it is submitted, established; and the contention of the United States, so far as at present appears, has also been indicated and briefly challenged by anticipation and under reserve.

Whatever the two points may be, it is submitted that the general principle and universal rule, where a line is to be drawn from point to point without further definition, should govern, namely, that the most direct line between the points should be taken.

Accordingly, the British contention is that, subject to the question as to Cape Chacon to be presently treated, the course should be on the shortest line from the southernmost point of Cape Muzon to the centre of the channel between Tongass and Kannaghunut Islands.

Such a line would be an arc of a great circle and would follow a course north 85° east, thus running a little northerly, and so, to

some extent, conforming to the direction to the north indicated in the Treaty.

But such a line would cut off a small part of Cape Chacon; while, under the IVth Article of the Treaty, it was agreed, "par rapport à la ligne de démarcation . . . . que l'île dite *Prince of Wales* appartiendra toute entière à la Russie."

To accomplish this result, the line thus described must receive some modification.

If its general course is to remain, then, at the point where
65 it reaches the shore of Cape Chacon, it must be deflected round that cape till it strikes the point on its other shore, where, were it continued across the cape, it would have left the land; and it must thence proceed on the original course.

If its general course is to be so far modified as to exclude Cape Chacon, then that course should be on the arc of a great circle from the point of commencement to the southernmost point of Cape Chacon; and thence, again, on the arc of a great circle, to the entrance of Portland Channel, as above described.

The latter may be the simpler, but there is no substantial difference in the result.

Touching briefly, in the sense and with the reserves already indicated, on the understood contention of the United States, reference has been already made, in dealing with the First Question, to the notion that the parallel of 54° 40′ is the point of commencement.

For the moment treating that notion as exploded, there remains no visible connection whatever between the line and the parallel.

It is to begin south of the parallel, and is to ascend north along Portland Channel, the very entrance of which is itself further north than the point of commencement.

How, then, or why is it to be curved so as to attain the parallel, in order that it may thence proceed due east along a parallel which did not even govern the point of departure, and has nothing at all to do with the course?

This would be to violate, not to fulfil, the Treaty.

But even if the point of commencement be on the parallel, this affords not the smallest ground for the contention that the course is to be along it.

The point is one of commencement of a line which is to depart thence, and the route by which it is to travel must be traced by its

description, which does not take it along the parallel, but gives it a northward direction.

It may also be remarked that the frame of the Treaty is quite opposed to the introduction, by interpretation, of parallels of latitude or meridians.

When these are required, as in the case of the meridian of 141° W. longitude, the intersection with the parallel of 56° N. latitude, and the point of termination at the meridian of 141° W.
66 longitude, the intention is stated clearly and decisively.

It is submitted that nothing in the course of the negotiations damages, but everything confirms, the British view as to the effect of the Treaty on this point.

A résumé of the various proposals may be useful as showing the process by, and the basis on which, the Parties in the end agreed:—

1. Great Britain, in 1823, suggested the 57th parallel as a line satisfactory to her.

2. Subsequently she suggested Cross Sound, as lying in about latitude 57½.

3. Thereon Russia suggested the 55th parallel.

4. Great Britain, in February 1824, proposed a line drawn through Chatham Straits to the head of Lynn Canal.

5. As a counter-proposal, Russia, in February (March) 1824, once more suggested the 55th parallel, adding these words:—

"Comme le parallèle du 55e degré coupe l'île du Prince de Galles dans son extrémité méridionale, laissant en dehors deux pointes de terre, les Plénipotentiaires de Russie ont proposé que ces deux pointes fussent comprises dans les limites Russes, voulant éviter par là une division de territoire également incommode aux deux parties intéressées.

"Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le *Portland Canal* jusqu'aux montagnes qui bordent la côte."

6. Great Britain made an amended proposal, which stated the Russian plan as one for a boundary-line drawn from the southern extremity of Prince of Wales Island to the entrance of Portland Canal, and thence along the canal, &c., and pointed out that this line would deprive Britain of all the little bays between 56° and 54° 45′.

And she offered to take as the boundary a line drawn from the west, eastward through the channel separating Prince of Wales

Island and Duke of York's Island from all the more northerly islands, till the line should reach the mainland.

7. Russia, thereon, acknowledging that the Russian Company had not fixed establishments on the 55th parallel, yet pointed out the conditions as to its trade as reasons for the Russian proposals, and proceeded as follows:—

"Il étoit donc de la convenance mutuelle des deux Empires d'assigner de
67 justes limites à des progrès réciproques qui ne pouvaient qu'occasionner avec le temps les plus fâcheuses complications.

"Il étoit aussi de leur convenance mutuelle de déterminer ces limites d'après les séparations naturelles qui forment toujours les frontières les plus distinctes et les plus certaines.

"C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud le *Portland Channel*, dont l'origine dans les terres est par le 56e degré de latitude nord, et, à l'est, la chaîne de montagnes, qui suit à une très petite distance les sinuosités de la côte . . . .

"On ne parlera point ici des deux pointes de l'île du Prince de Galles, qui sont situées au-dessous de la ligne du 55e degré de latitude nord. Ces deux pointes ne pourroient être d'aucune utilité à la Grande-Bretagne, et si les neuf-dixièmes de l'île du Prince de Galles appartiennent à la Russie, il est évidemment d'un intérêt réciproque que l'île lui appartienne tout entière."

8. Great Britain, objecting to concede Portland Canal, proposed a line from the end of Duke of Clarence Straits through that channel to the middle of the channel separating Prince of Wales and Duke of York's Islands from all the islands to the north, and then through that channel to the mainland.

9. Russia declined; and the negotiations were suspended, pending a reference to the British Government.

10. On the 12th July, Great Britain authorized her Plenipotentiary to consent to include the south points of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales Island from south to north, through Portland Canal, &c.

And the despatch enclosed a draft Convention describing the line thus: "Commencing from the two points of the island called 'Prince of Wales Island,' which form the southern extremity thereof, which points lie in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the channel called Portland Channel."

11. The Russian Ambassador made no objection to this line. And Russia later presented a counter-draft, the line proposed by which was, as to this part, as follows:—

"A partir des deux points qui forment l'extrémité méridionale de l'île
68 dite du Prince de Galles, laquelle appartiendra toute entière à la Russie, points situés sous la parallèle du 54° 40′ de latitude nord, et entre les 131e et 133e de longitude ouest (méridien de Greenwich), la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe dite le *Portland Channel.*"

12. Owing to differences on other points, the negotiations were again suspended.

13. Upon their renewal, no question was raised as to this branch of the subject. Great Britain proposed a draft, which thus stated the line: "Commencing from the southernmost point of the island called 'Prince of Wales Island,' which point lies in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly (the whole of Prince of Wales Island belonging to Russia) along the channel called 'Portland Channel.'"

14. After discussion, the Treaty was concluded, on the basis of that draft, in the words already given.

It is submitted that everything that passed during the negotiations confirms the British Case in favour of the direct line between the described points.

FOURTH QUESTION.

The fourth question to be answered by the Tribunal is—

"*To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?*"

The words of the Treaty are:—

"La dite ligne remontera au nord le long de la passe dite *Portland Channel* jusqu'au point de la terre ferme où elle atteint le 56e degré latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte."

The line is to ascend to the north along the "Passe" called Portland Channel, to the point in the mainland at which "it" (refering to either the line, the channel, or the mainland) reaches the 56th parallel of north latitude, and from that same last-mentioned point the line is to follow the crest of the mountains situated parallel to the coast.

69

It is submitted that the point in the 56th parallel to which the line should be drawn is the point from which it is possible to continue the line along the crest of the mountains situated parallel to the coast, and, accordingly, that the point at which the 56th parallel and the crest of the coast mountains coincide is the point in question.

The question as to what is meant by "elle" seems to present more room for subtle disputation than for profitable argument.

As suggested in the prior reference, the description rather assumes a coincidence of the channel, the parallel, and the mountains, in which case it would be of no consequence whether "elle" refers to the line, the land, or the channel. But in fact there is no such coincidence. It is the bridging of the gap which makes the difficulty.

Whether "elle" denotes *la passe*, *la ligne*, or *la terre ferme*, it is submitted that the point to be attained is the point on the 56th parallel, whence the line can, as is directed, follow the crest of the coast mountains.

Then, recognizing that the gap to be filled is that between the head of the canal and the point of coincidence of the parallel with the coast mountains, and, adopting the general principle as to lines to be drawn from point to point (a principle never more solidly based on reason than when the aim is to bridge a gap not obviously contemplated at all), it is submitted that the line should be drawn direct on the arc of a great circle to that point of coincidence which has already been described.

Two other modes of drawing the line so as ultimately to reach that point are suggested. One is to draw it due north from the head of the canal to the parallel, and thence along the parallel to the point of coincidence with the coast mountains.

This may be argued to be the shortest way of reaching the parallel; and so it is; but taking the whole description together, it is the parallel at the point of coincidence that is to be attained;

and to that point this is not the shortest route; it takes two sides of a triangle.

70 The other is to extend the line on the general direction of the canal till it reaches the parallel, thence continuing as before. To this plan similar observations apply.

Each of these alternative plans would transfer to the United States the triangle enclosed between the line first proposed and the others; but this, though of consequence, is not the most important subject of contention; which is rather the point to be attained on the parallel than the route by which that point is to be reached; and, of course, any of these routes would reach the point for which Great Britain contends.

As to the point on the ground which answers the suggested definition, that subject falls within the general question of the *lisière* boundary, of which the point is the commencement, and is therefore reserved for the general discussion under the subsequent questions.

It is now proper to add a brief reference (subject to the limitations already indicated) to the result in case it should be found that the coast mountains are, at their intersection with the 56° north latitude, more than 10 leagues from the Ocean, in which case the boundary-line is to be formed by a line parallel to the windings of the coast, from which it is never to be more (though it may be less) distant than 10 leagues.

It is submitted that the effect of this alternative provision, if it be held that the facts on the ground bring it into operation, would be to substitute, for the already described point of coincidence on the parallel, that point on the parallel which answers the language of the provision, and which must accordingly be not more (though it may be less) than 10 leagues from the coast. It is submitted that to that point (to be ascertained according to the rules of decision which may be laid down in answer to the general questions to be later discussed) the observations made would apply, and that the line should be drawn to it on the principle stated.

It is submitted that there is nothing in the negotiations which impairs the force of the arguments presented as to the effect of the Treaty on this point.

And as to subsequent action there is nothing suggested, apart

from the alleged effect of the maps tracing the boundary-line, indicating the 10-league limit and not the coast mountains
71 as the boundary. The discussion of this point, already touched on in the Case, falls within the general question, and, therefore, is not here opened.

FIFTH QUESTION.

The fifth question is as follows—

"*In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the Ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British Possessions from the bays, ports, inlets, havens, and waters of the Ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?*"

Great Britain contends that the answer to this question should be in the negative.

The material phrases in the Treaty are as follows:—

"La ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte (Article III).

"Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte . . . . se trouverait à la distance de plus de 10 lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte . . . . sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de 10 lieues marines (Article IV)."

72 It is clear that "côte" and "Océan" refer to the same thing. If the mountains are more than 10 marine leagues from the "Océan," the line must be drawn nearer the "côte." If the mountains are within 10 marine leagues of the "Océan," the 10 marine leagues from the "côte" have not to be measured.

Upon the meaning of the two words "côte" and "Océan" in these Articles the answer to this question depends.

It is submitted upon the language of the Russian negotiators that the words "la côte" and "l'Océan," as used by them, referred to coast and water outside the narrow inlets. With respect to Portland Canal, it is demonstrable that they did not consider this either "côte" or "océan."

In the Russian reply to Sir Charles Bagot's amended proposal, Portland Canal is made the boundary "sur la côte du continent au sud," obviously treating it as running from the coast inland, because in the same sentence it is said that its origin "dans les terres est par le 56° degré."

In the same document the coast left to Great Britain is described as starting from the "embouchure" of Portland Canal. If Portland Canal was coast, the British coast should have been described as commencing at its head.

In Count Nesselrode's despatch of the 17th April, 1824, he refers to the entrance to Portland Canal as its "embouchure dans l'océan," and to the head of it as its "origine dans les terres."

In Count Nesselrode's draft Treaty submitted to Sir Charles Bagot the head of Portland Channel is spoken of as "dans l'intérieur de la terre ferme."

The same conclusion is deducible from a consideration of what must have been present to the minds of the negotiators.

It is to be observed that this Treaty contemplates a shore-line such as admits of another line being drawn parallel to its sinuosities at a distance of 10 marine leagues. The negotiators, though they were consciously ignorant of the true position of the mountains, had before them in Vancouver's Map a representation of the continental shore-line which they knew had been explored by him. It was as patent to them as it is to us to-day that it would be impossible to trace a line following at 10 marine leagues the convolutions of the line forming the edge of salt water. On the other hand, it was as patent to them as it is to us to-day that to draw a line following the waving character of the general coast, neglecting the deep and narrow inlets, would be a perfectly feasible and business-like arrangement.

73

The British contention is that the possible, and not the impossible, was contemplated; and that whether any particular recess or

projection is to be regarded as varying the contour of the "coast" within the meaning of this Treaty (*i. e.*, whether or not its shore is "côte" within Article III, and the convolutions of that shore "sinuosités de la côte" within Article IV) is a question of fact depending upon its shape and size, and the other circumstances of its relation to the general contour. One test would, in principle, be analogous to that employed when the question is whether inland waters are territorial. Another test would be furnished by the consideration that the line contemplated was one capable of having another drawn parallel to it at a distance of 10 marine leagues; and convolutions inconsistent with this character could not be followed in detail.

The line of coast, ascertained on the system above contended for, supplies the datum line with reference to which the boundary (following the mountains or the 10-marine-league line, as the case may be) is to be applied. If and where the inlets penetrate further than the boundary so ascertained, Great Britain contends that the Treaty meant they were to be in British territory.

In this connection attention is drawn to the 10-marine-league line drawn as contended for by the United States. It is apparent that it does not, and cannot, follow the sinuosities of the "côte" as that word is interpreted by the United States themselves. It is drawn parallel to an imaginary line running primarily through the points at the head of the inlets. This must in any case be wrong. Yet there is no feasible alternative but that presented by the British view.

The view above now contended for by the United States has not always been put forward by the officers of that Government. In 1893 Dr. T. C. Mendenhall, in issuing instructions to the 74 surveyors under his direction for the making of the survey under the Convention of 1892, directed Mr. Tittmann, charged with the duty of survey of the Stikine River, to continue his survey to a point on that river, distant "not less than thirty nautical miles from the coast of the mainland in a direction at right angles to its general trend." Mr. Tittmann was also informed that, should a range of mountains be found to exist, it was of the first importance that its distance from the coast and its general trend should be determined unless such distance should considerably exceed the specified 30 nautical miles. Mr. J. E. McGrath is directed in the

survey of Taku Inlet and River to continue his survey to a point "on the inlet or river distant not less than 30 nautical miles from the coast of the mainland in a direction at right angles to its general trend." His instructions as to the moutains are in the same words as those given to Mr. Tittmann.

It is evident that Dr. Mendenhall did not consider the shore line of an inlet as being part of the "coast."

As will be seen from the maps of the United States' Commission, the survey of the Stikine River was carried to a point of the river from which a distance of 30 marine miles, measured towards the coast, at right angles to its general direction, indicates the "line of general trend" to pass at the entrance of Le Conte Bay. The point taken on the Stikine is less than 30 miles from the head of that bay.

Again, the point on Taku River is 30 miles from Jaw Point, which is within Taku Inlet and several miles south of its head. Part of the inlet is, therefore, less than 30 miles from the point taken.

It is to be observed that Dr. Mendenhall and his able assistants were engaged under the Convention of 1892 in ascertaining "the facts and data necessary to the permanent delimitation of the boundary-line in accordance with the spirit and intent of the existing Treaties." Copies of Articles III and IV of the Treaty of 1825 were embodied in the instructions above cited. Yet the principle followed by them (which is the same as that applied on the Stikine River by Mr. Hunter in 1877) is inconsistent with the view *since* contended for by the United States. For if the line is properly drawn parallel to the general trend of the coast
75 when inlets breaking that general trend terminate short of the line so drawn, it must also be properly so drawn when the inlets are long enough to be cut by it. The effect of the occurrence of the mouth of an inlet upon the general trend of the coast cannot depend upon its interior length.

The truth is that the only difficulty is that caused by reading into the Treaty a controlling principle that British territory shall nowhere touch salt water, and by rejecting every application of the Treaty which does not produce a result in conformity with that assumption. It is submitted that no vestige of any such principle is to be found in the Treaty. The question whether

British territory touches salt water was left by the Treaty to depend upon the application of the boundary thereafter to be ascertained with reference to the general line of the coast as a datum. Any assumption as to how the provisions of the Treaty would affect particular places would, therefore, be an assumption, not as to the meaning of the Treaty, but as to the way it would operate when practically applied.

It is submitted that the reasons above given show that this is what the negotiators must have contemplated, and such conclusion is not inconsistent with any intention that can be attributed to either party.

It has been said that the Russians were negotiating to exclude Great Britain from the sea. The Russian description in the course of the negotiations of the danger they anticipated to their establishments on the islands, if they did not obtain a *lisière* of coast, does not warrant the assumption that they regarded their safety as only to be secured by Great Britain being cut off from salt water.

In Count Nesselrode's despatch to Count Lieven of the 17th April, 1824, in which are summed up and repeated the views he had expressed during the negotiations with Sir C. Bagot, he described the situation he wished to guard against. Speaking particularly of Prince of Wales Island, he said that, according to the proposal of the English Ambassador (which offered the Clarence Strait line), Russian establishments of that island "se trouveraient entièrement isolés, privés de tout soutien, enveloppés par les domaines de la Grande-Bretagne et à la merci des établissements Anglais de la côte." To avoid a state of things so described, it was not necessary to cut Great Britain off from access to the sea.

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Count Nesselrode himself says so a little lower down in the same despatch. "Pour nous," he writes, "nous bornons nos demandes à celle d'une simple lisière du continent, et afin de lever toute objection, nous garantissons la libre navigation des fleuves." And further on: "La Russie laisse au développement progressif des établissements Anglais une vaste étendue de côte et de territoire; elle leur assure de libres débouchés."

A further argument in support of the British contention can be based upon Article VII of the Treaty. The liberty to frequent the inland seas, gulfs, havens, and creeks on the coast mentioned in

Article III is reserved mutually by both Powers. This contemplates the possibility, at least, that some of these waters may be British.

This Article has, however, been used to furnish an argument against the British contention. It has been said that it shows that Great Britain was taken for a limited period a licence to frequent waters of this description on this coast that were *ex hypothesi* Russian. That is undoubtedly true. But the point is whether they were necessarily all of them, and in every part, Russian. This in no way follows from the licence given by the Article, which, of course, only postulates that there should be some Russian waters to which it may apply. It equally postulates that there should be some British waters to which it may apply.

SIXTH QUESTION.

The sixth question is as follows:—

"*If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the lisière which was to belong to Russia be measured (1) from the mainland coast of the Ocean, strictly so called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented*
77 *by deep inlets forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the Ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?*"

This question is expressed to arise "if the foregoing question should be answered in the negative, and in the event of the summit of the mountains proving to be in places more than 10 marine leagues from the coast."

This is understood to refer to the event of a double condition being fulfilled, viz., if—

1. The coast-fringe is held not to be necessarily continuous on the mainland; and also

2. The summit of mountains prove to be in places more than 10 marine leagues from the coast of such (possibly discontinuous) fringe.

The answer which Great Britain contends should be given to the points raised in this question appears from what has been said in

dealing with the fifth question. The width of the *lisière* should be measured along a line perpendicular to the general direction locally of the mainland coast of the ocean, that is to say, from the line of the "côte" as interpreted in the answer submitted to the last question, which line was described as the datum line.

Whether any inlet forms part of the territorial waters of Russia depends on the question how far back the inlet extends from the line of the coast of the Ocean, as above explained. If it extends further than the line of the mountains parallel to such coast, or, in the absence of mountains, further than 10 leagues from such coast, the upper part of the inlet is part of the territorial water of Great Britain. It is only in the event of its not extending beyond those limits that the whole of the inlet forms part of the territorial waters of Russia.

Where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the line would still be measured from the line of the general direction of the mainland coast, which would cross the inlet at its mouth in a path so far coincident with the limit of the territorial water (that is to say, from headland to headland) as might be consistent with the
78 preservation of its character as a general, and not a detailed, line.

The line would not be measured from the heads of the inlets of the kind referred to. According to the British contention, the continuity of the fringe is liable to be broken, on the mainland, not only by the mountain boundary (where found) crossing inlets, but also (where mountains do not occur) by the 10-league boundary doing so.

The British view is that the shore-line of inlets of the kind in question, whether at their head or along their sides, does not affect the datum line furnished by the coast, and therefore does not affect any line ascertained from that datum.

It is submitted that the line of the coast of the Ocean cannot be construed as following the shores of long, narrow, and deep inlets which occur upon it. So far from forming part of the coast of the Ocean, such inlets break its continuity. They form in the strictest sense territorial waters of the Power to which the land on each side of such inlets belongs. They are in no way wanted for the navigation of the vessels of other Powers, unless such right of

navigation has been granted by Treaty or is required for the purpose of lawful access to the shores of such inlets.

The British position on this point may be illustrated by reference to the concrete cases of the Bradfield Canal, the Endicott and Tracy Arms, the Snettisham Inlet, the Taku Inlet, and the Lynn Canal, with its branches Chilkat Inlet, Chilkoot Inlet, and Taiya Inlet.

On the general question of territorial waters, reference may be made by way of illustration to the Convention concerning the fisheries in the North Sea, to which effect was given by "The Sea Fisheries' Act, 1883" (46 and 47 Vict., cap. 22), the Convention as set out in the first schedule to the Statute, and the second Article is as follows:—

"As regards bays, the distance of three miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed ten miles."

It will be observed that, as regards bays, the territorial
79 limit of three miles is to be measured from a line drawn across the bay at the first point where the width does not exceed ten miles.

It is submitted that the principle invoked in this Convention for the purpose of determining the point from which the three miles of territorial waters should be measured is one to which regard may properly be had in determining what is to be treated as the line of the coast for the purposes of the present Treaty.

Bradfield Canal, Endicott and Tracy Arms, the Snettisham Inlet, and Taku Inlet are all land-locked waters, which, for the present purpose, it is submitted are indistinguishable from the rivers of which they are the estuaries.

With regard to Lynn Canal, if the rule adopted in the North Sea Convention is followed, the general line of the coast must be treated as crossing the Lynn Canal in latitude 58° 22′ and longitude 134° 53′, being the first point from its entrance, where the width does not exceed ten miles. Even if a stricter rule were to be applied in the present case, it would be found that at latitude 58° 46′ and longitude 135° 07′ the width of the Lynn Canal does not exceed 6 miles, and it is submitted that, by no possibility, can the general line of the coast be placed higher up the Lynn Canal than at this point. A glance at the physical conformation

of Chilkat Inlet, Chilkoot Inlet, and Taiya Inlet is enough to show that the shores of these inland waters cannot be treated as the line of the Ocean coast, and yet the contention of the United States appears to be that the heads of these inlets are to be treated as the starting-point from which the *lisière* at this point is to be measured.

It is submitted that all such inlets form, for the present purpose, no part of the Ocean, that, for the purposes of the Treaty, they stand on the same footing as the rivers which flow into the Ocean either directly or through such estuary, and it is only the British contention which gives effect to the scope and to the specific provisions of the Treaty.

80 **SEVENTH QUESTION.**

The seventh question is as follows:—

"*What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the Eastern boundary?*"

Great Britain contends that there are such mountains, and that they are to be found fronting the general coast of the mainland along the whole coast from latitude 56 degrees northwards.

It is to be observed in the first place that the mountains contemplated by the Treaty were described as follows:—

"La crête des montagnes situées parallèlement à la côte (Article III).

"La crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56e degré (Article IV)."

This indicates a general parallelism only. Mountains being a natural feature could not, of course, be expected to run uniformly parallel to the coast, whether straight or winding. In this they differ from the arbitrary 10-league line which, especially as it would only fall to be drawn through a country where mountains failed, might be drawn with substantial accuracy parallel to the general line of the coast. Moreover, the Treaty contemplated that the mountains in question might vary in distance from the coast, from its very edge to the extreme limit of the 10 marine leagues, without sacrificing their general parallel character.

It is further to be observed that the mountains were not to be unbroken. This is clear from the circumstance that the line was to be crossed by rivers. According to the British contention, if

there is a gap in the mountains not amounting to a discontinuance of the general line traced by them, this is not to be regarded as interrupting the mountains for the purpose of the line any more than the mouth of a narrow inlet, or the base of a narrow peninsula would be regarded as interrupting the general line of the coast.

Where a gap of this character is found in the mountains on
81 the occurrence of a river, a narrow inlet or a narrow valley, the line should be continued across that gap and should not be suddenly set back up the gorge of the river or the course of the inlet or valley to the 10-marine-league point. The 10-marine-league line applies to supersede the mountain only where the mountains cease altogether or recede beyond the 10 marine leagues. In the latter case the artificial line begins where the mountains cross the 10-league limit and ceases where they recross it.

According to the British contention, the phrase "la crête des montagnes" signifies the tops of the mountains adjacent to the sea. It was introduced as a concession from the line along the base of this slope proposed by Mr. Canning. The governing idea was that this slope was to be Russian. Whether, when the top of the slope had been attained, it should be found to be backed by a mass of peaks or to end in a ridge descending on the other side to a plain did not concern the Russians, who bargained only for the slope.

The mountains were to be the mountains next the sea. It will be convenient to collect from the correspondence recording the negotiations the passages in which they are described.

A boundary by mountains is first proposed in the Russian counter-draft delivered to Sir Charles Bagot in February 1824. They are described as "montagnes qui bordent la côte."

The same phrase is used in Sir Charles Bagot's amended proposal which is the next document.

In the Russian observations on this amended proposal the words are "la chaîne de montagnes qui suit à une très petite distance les sinuosités de la côte."

In Count Nesselrode's despatch of the 17th April, 1824, it is "des montagnes qui suivent les sinuosités de la côte."

When the suggestion is laid before the Hudson's Bay Company they ask for "some more definite demarcation on the coast than the supposed chain of mountains contiguous to it"; they speak of the scanty information available as to "the country in the immediate

neighbourhood of the sea"; and they propose as the boundary "the nearest chain of mountains, not exceeding a few leagues of the coast."

In writing to Sir Charles Bagot on the 12th July, 1824, Mr. Canning suggests a line * * * * * * "following the sinuosities of the coast, along the base of the mountains nearest the sea," and he particularly refers to the point that it is the "seaward base" that is referred to.

82

In Count Lieven's Memorandum of July 1824 he speaks of "la base des montagnes qui suivent les sinuosités de cette côte," and he refers to the possibilities that they slope "jusqu'aux bords même de cette côte." On the matter again coming before the Hudson's Bay Company they once more emphasize the necessity of more accurately defining the eastern boundary "than by the chain of mountains at a 'très petite distance de la côte.'"

In Mr. Canning's despatch of the 8th December, 1824, the phrase is, "the mountains which run parallel to the coast, and which appear, according to the map, to follow all its sinuosities."

In Count Nesselrode's despatch of the 13th March, 1825, it is, "la crête des montagnes qui suivent les sinuosités de la côte."

The same conclusion is indicated by the expressions as to the character of the *lisière.*

In the negotiations which took place in February and March 1824, the Russian desideratum is thrice described by them as a "point d'appui" and once as "un portion de territoire sur la côte."

In Count Nesselrode's despatch of the 17th April, 1824, it is, "ne . . . . qu'une étroite lisière sur la côte mêne," "une simple lisière du continent," "une médiocre espace de terre ferme," "uniquement un point d'appui."

Mr. Canning, on the 29th May, 1824, writes of "the strip of land required by Russia."

From this point in the correspondence the word *lisière* is used without qualification to denote what the parties now thoroughly understood to be referred to.

Great Britain contends that this view cannot be sustained with reference to the topography of this region, and that as the Treaty is to be followed the line must be drawn according to the contention of Great Britain.

The identification of the mountains further depends (as has already been shown in the argument submitted upon Question V) upon the identification of the "côte" to which their direction is to be parallel.

It is to be observed that if "côte" includes the shore of the inlets, the mountains to be sought are those parallel to that shore, and a line drawn on this principle would give to Great Britain
83 the interior not only of the stretches of territory between the inlets, but also of peninsulas running out beyond the coast-line, if there are mountains running parallel to the shore. Great Britain does not put forward the contention that this is the true boundary, but if the contention of the United States that "côte" includes the shore of inlets is well founded, Great Britain will maintain that it certainly incudes also the shore between the mouths of the inlets and the shore of peninsulas, and that the principle must be applied in favour of Great Britain as well as against her.

The contention of Great Britain as to the interpretation to be put upon the word "côte," and as to the considerations which are to be regarded in identifying the mountains parallel thereto, have now been set forth. The result upon the ground which the adoption of those contentions would give must now be indicated.

The point of departure is, as has already been submitted, the point where the crest of the coast mountains is found on the 56th parallel. Great Britain suggests as answering this description the point shown on the map in the Atlas herewith in longitude 131° 42′. This is where the mountains finally leave latitude 56° and run north. The coast just south of latitude 56° turns, however, suddenly to the east, and it may be that a point on the crest of the mountains parallel to the coast may be found on the 56th parallel more to the eastward. The adoption of such an alternative would not affect in principle the British contention.

From the point of departure above suggested, the line proposed by Great Britain follows the mountains northwards as shown on the map referred to. The particular mountains and ridges followed with the reasons for selecting them are set forth in a declaration to be found in the Appendix by Mr. W. F. King, the British Commissioner upon the Survey under the Convention of 1892. It will, of course, be understood that this is not put forward as showing throughout the only possible way of giving effect to the British contentions, but that it is susceptible of any variations in detail which may commend themselves to the Tribunal in examining the topographical conditions met with in tracing the line.

CHAPTER V.

ACTS SUBSEQUENT TO THE TREATY.

The tribunal is to consider in the settlement of the questions submitted to its decision, not only the original text of the British-Russian Treaty of 1825, and of the Treaty of cession of Russian America to the United States in 1867, but also—

"*Any action of the several Governments, or of their respective Representatives, preliminary or subsequent to the conclusion of said Treaties, so far as the same tends to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.*"

The actions of the parties previous to the Treaty of 1825 have already been discussed. The remaining period naturally divides itself into two, the actions of the parties from 1825 to 1867, and subsequently from 1867 to the date of the present Convention, the 24th January, 1903.

It does not appear that even up to the time of the cession in 1867 either Great Britain or the United States had acquired any but a very dim idea of that remote part of the New World. The United States, being nearer to Russian-America than any European country, and closely connected with it by trade, had been considering the purchase of the territory during the Administration of Mr. Polk and Mr. Buchanan, and had made a definite suggestion to purchase in December, 1859. If any exact information of the district from 1859 to 1867 were available, it would certainly be in the possession of the United States' public men, and could not have escaped the Hon. Charles Sumner, Senator for Massachusetts, whose speech advocating the purchase of Alaska is put forward as the embodiment of expert

knowledge regarding Alaska at that time. Yet Sumner declared in
1867 that "perhaps no region of equal extent on the globe,
85 unless we except the interior of Africa or possibly Greenland,
is as little known," and cites the description of it given by the poet Campbell in the "Pleasures of Hope," "While exploring earth's loneliest bounds and Ocean's wildest shore."

It seems impossible to conceive of any local act performed in those remote regions by Russia during that early period of which Great Britain could be said to have been made aware by any means except direct communication or correspondence with Russia. It has been shown that no such posts had been established by the Russians on the disputed territory previous to the Treaty of 1825. By the negotiations leading to that Treaty it appears that the *lisière* was sought simply as a "point d'appui," so that it might not be adversely occupied. The lease to the Hudson's Bay Company, 6th February, 1839, provided for the return of only one Russian post at the expiry of the lease, that of Highfield, situated, not on the *lisière*, but on Wrangel Island, a part of the Russian possessions, and in no way in dispute. This seems sufficiently conclusive that there were no other posts. Bancroft, speaking of the cession of 1867, states that Russia herself had never occupied and never wished to occupy this territory—meaning, it seems, the whole territory of Russian America.

The lease by the Hudson's Bay Company of the 6th February, 1839, from the Russian-American Company, cannot be put forward as affecting the boundary question. The lease sets up no boundary. It is impossible to detect the recognition of any sovereignity on the part of Russia, except over that portion of the territory given her by the Treaty. That Russia possessed some portion of the mainland could not then be denied. If the Hudson's Bay Company, for the purpose of disposing of a disagreeable competitor in the fur trade, and to avoid a recurrence of the Stikine incident of 1834, chose to lease "say the whole mainland, coast, and interior country belonging to Russia," it cannot be argued that it thereby leased something that did not belong to Russia, or that Great Britain thereby gave Russia something more than she had
previously possessed. The Company already enjoyed a
86 monopoly of the territory on the British side of the line.
By the lease it secured a similar monopoly on the Russian side. It was a matter of indifference to it whether its rights were

derived from its British charter or its Russian lease, and no question as to the true location could possibly arise.

The history of the *lisière* from the Treaty of 1825 until 1867 is simple enough. As has been said in the course of the diplomatic correspondence, the only value of the region during the first ten years after 1825 lay in the fur trade, and that trade was thrown open on equal terms to the subjects and citizens of Great Britain and Russia, by Article VII of the Treaty between Great Britain and Russia of 1825, and, before the expiry of the ten years, events, which resulted finally in the lease to the Hudson's Bay Company, of the trade of the whole of a *lisière* southward and eastward of a line joining Cape Spencer and Mount Fairweather, had occurred.

The circumstances leading to the lease are well known as "the Stikine incident." The clause of the Treaty throwing open the trade in furs would terminate by effluxion of time in 1835. In 1833–34 a Hudson's Bay expedition proceeded to Stikine River for the purpose of exploring it and establishing a post on the upper portion of the river. In June 1834 the expedition was prevented by the Russians from ascending the river. This was in manifest violation of the Treaty inasmuch as British subjects had the right to the free navigation of the river, and the upper portion was, under any interpretation, in British territory.

On the 24th October, 1835, the Governor of the Hudson's Bay Company wrote Lord Palmerston complaining of the infraction of the VIth and VIIth Articles of the Treaty of 1825, and claiming 22,150*l.* damages. On the 28th January, 1836, the Hudson's Bay Company was informed that the Russian Government disavowed the action of its servants, and promised to convey His Imperial Majesty's displeasure over what had been done. The damages were not paid, however, but a negotiation followed, which led to the leasing by the Hudson's Bay Company of the territory of its rival. Part
87 of the consideration of the lease was the damage which had been suffered by the Hudson's Bay Company through the stoppage of its expedition up the Stikine. The lease was not brought about by any dispute as to the boundary line but by the desire of the Hudson's Bay Company to avoid unnecessary friction by illegal acts of the Russians, of which the above is an example, and by the further desire to enjoy a monopoly of the trade.

The original Agreement was made the 6th February, 1839, the lease to commence the 1st June, 1840, and to last ten years. A supplementary Agreement was entered into the 17th May, 1842. The lease was renewed in 1849, and on the 28th December, 1858, the lease between the two Companies was extended to the 1st January, 1862. It was further extended till June, 1865, and in May, 1866, again for one year, terminating on the 31st May, 1867 (see Declaration on 306 of Appendix I). As the Treaty of 1867 was concluded on the 30th March, 1867, it will be seen that, until after the cession of 1867, the *lisière* was under lease to the Hudson's Bay Company.

There is no evidence that Great Britain either approved or disapproved of the lease, nor was the Hudson's Bay Company, during the period in question, in any sense a representative of the British Government, and no action of the Company could possibly affect the question at issue.

The proceedings of the Select Committee of the British House of Commons in 1857, "to consider the state of those possessions in North America which are under the administration of the Hudson's Bay Company, or over which they possess a licence to trade," lend no countenance to United States' contention.

In 1838 the Hudson's Bay Company had been granted the licence of exclusive trade over that north-western portion of British America known as the Indian Territory. In 1857 this licence was about to expire, and the Committee met to consider the conditions of the territory which the Hudson's Bay Company had administered under its licence. The people of Canada east of Lake Superior felt that the means of extension and regular settle-
88 ment should be afforded to them over a portion of this great territory, particularly the Red River Valley and the Valley of the Saskatchewan. The Canadian western boundary in 1857 did not extend much beyond Lake Superior in the centre of the continent. As a matter of fact, the territory in question was not then a part of Canada, and Canada was at that time in no way concerned in that remote part of British North America. The question of the boundary-line between the *lisière* and British territory was in no way the subject of the inquiry.

In passing from the period extending from 1825 to 1867 to that extending from 1867 to the date of the present Convention, the

24th January, 1903, the relations of Great Britain and the United States, become the subject of consideration.

It is, perhaps, not strictly necessary that the facts bearing on these relations should be taken up in the original presentation of the British Case. They might be more properly dealt with in reply. It is only because it may be more convenient that the Tribunal should be made conversant, in the first instance, to some slight extent, at least, with the contentions of both sides in this connection, that any effort is made to deal with them now. Anything that is advanced at this stage of the Case, dealing with these subjects, is therefore given with a full reservation of the right to deal with the same subjects more fully in reply.

The facts as to the occupation of the territory after the acquisition by the United States are as follows:—

The formal occupation of the newly-ceded territory is described in Bancroft's "History of Alaska," at pp. 594–600 *et seq.* It appears that with some ceremony the United States' flag was unfurled at Sitka on the 18th October, 1867. Fort Tongass appears to have been established in 1867, and was visited by transports with garrison supplies. A United States' military force was sent to Cook's Inlet in 1868. There were also some troops at Wrangell.

Sitka, Tongass, and Wrangell were all situated on islands,
89 and Cook's Inlet lies far to the west of the territory in dispute, and on the Russian side the 141st meridian.

In his letter of the 23rd May, 1877, ordering the return of the troops from Alaska, the Assistant Adjutant-General concludes with these words:—

"Upon the departure of the troops, Sitka and Fort Wrangell will be discontinued as military posts," and "all control of the military department over affairs in Alaska will cease."

There is nothing to show that upon the transfer a detachment was stationed at any time on the strip of mainland.

As to the extent to which legislation and the enforcement of law and order had been developed in Alaska generally up to a recent day, the following quotations from Bancroft may be made:—

"The Company and the Imperial Government gave them at least protection, sufficient means of livelihood, schools, a church; but in this vast territory, there never existed, since 1867, other than a semblance even of military law. There was not in 1883 legal protection for person or property, nor, apart from a few regulations as to commerce and navigation, had any important Act been passed

by Congress, save those that relate to the preservation of seals, the collection of revenue, and the sale of fire-arms and fire-water."

and—

"As there was no legal title to land in Alaska, there could be no legal conveyance nor mortgage, though conveyances were made occasionally and recorded by the Deputy Collectors at Wrangel and Sitka, the parties concerned taking their own risk as to whether the transaction might at some distant day be legalized.

"Miners and others whose entire possessions might lie within the territory, and who might have become residents, could not bequeath their property, whether real or personal, for there were no Probate Courts nor any authority whereby estates could be administered. Debts could not be collected except through the summary process by which disputes are sometimes settled in mining camps. In short, there was neither civil nor criminal jurisdiction in any part of Alaska."

Schools have not been maintained in Alaska from the time
90 of the Treaty of Cession, or to any extent during any considerable period. Petroff, Special Agent of the United States, in his Report of the 7th August, 1882, to the Superintendent of the Census, says:—

"At present the only schools in all western Alaska where English is taught are on the Pribilof Islands and Iliuliuk settlement, Unalaska, both being maintained at the expense of a trading firm."

Later on in the same Report he says:—

"At the location of all parish churches it is supposed or expected that schools will be maintained by the Church authorities, but as already mentioned, there is much laxity in this respect, and at least 20,000 natives are entirely without the remotest influence of church or school—a fact our Board of Foreign Missions might take into consideration.

This appears, then, to have been the condition of educational development seventeen years after the Treaty of Cession.

Presbyterian missionaries, according to Petroff, had established schools on several of the outlying islands and at some of the Chilkat villages on Lynn Canal, but he nowhere claims that they were recognized by the United States' Government or supported by public money.

The very slight nature of the control occasionally exercised by the United States over the inhabitants of Alaska may be illustrated by reference to the incidents of 1869 and 1890.

The events of 1869 are described in the Report of Ivan Petroff, Special Agent of the United States, before referred to:—

"On the 1st January, 1869, the Chief of the Chilkat tribe was on a visit to Sitka with sixty or seventy warriors, and paid his respects to General Davis, who made him a present of a few bottles of whisky."

The Special Agent proceeds to describe the effects of the whisky on the Chief, the subsequent collision with the military, the shooting of some Indians and prospectors, the excitement caused by the news that the crew of the wrecked schooner "Louisa Downs" had been massacred, the prompt burning of three deserted villages in
91 which "not a hostile warrior was seen," and adds:—

"Some time later it was discovered that the shipwrecked crew had not been killed, but rescued by these savages and treated kindly."

The only other reference to 1869 is the following:—

"In the month of July of the same year, the Chilkat Indians, who had still a life to their credit on account of the trouble in Sitka in the month of January, boarded a small trading vessel, and demanded a life or money. A written guaranty for the settlement of the claim was given, and the matter reported to the Commanding Officer at Sitka, who, however, refused to have anything to do with it. Upon this, the trader who had given the security paid the claim, thus securing peace to the country, and after this the Indians submitted to the General's demands."

It does not appear that any even of these events occurred on the territory now in dispute. The United States' trading vessel does, however, appear to have submitted to the Indian demands, and another United States' trader seems to have paid the Indian bill.

In 1890, as it has been alleged, some cannery owners sent to Sitka for aid against some Indians in Lynn Canal. A vessel arrived, and the Indians were invited on board and feasted. Nothing further appears to have been done.

Another passage from Petroff may be quoted in this connection:—

"In 1878 the Sitka Indians began to comport themselves in the most insolent manner, defacing the graves in the Russian cemetery, pulling down the stockade, separating the town from the Indian Settlement, and committing other similar outrages. At that time not even a revenue cutter was present in the harbour, and the inhabitants, becoming very much alarmed, sent an appeal for immediate protection to the Commander of an English man-of-war in the harbour of Victoria. The assistance was promptly rendered, just in time, it was claimed, to prevent disaster; opinions on that subject were, however, divided. In due time the English man-of-war was relieved by a similar vessel of the United States' navy, and since that time a vessel of that class has been constantly stationed in the harbour of Sitka, affording protection and assisting the inhabitants of South-Eastern Alaska in various ways."

It thus appears that an American ship interfered to save
92 life on Lynn Canal, and a British ship performed the same office for the Americans at Sitka. Both England and Canada were unaware of these events; nor does Great Britain lay claim to Sitka because of the timely aid her vessel was able to afford.

With reference generally to the claims of occupation set up by the United States because of certain isolated acts of her citizens, as, for instance, the establishment of a mission school by the Presbyterians at Pyramid Harbour about 1881, a private store at Taiya Inlet in 1882 or 1883, and of one or two canneries at Pyramid Harbour about 1883, it cannot be contended that these individual acts of possession are of any importance as bearing on the Case. The United States had officially declared that "all claims of preemption and settlement in Alaska were not only without the sanction of law, but were in direct violation of laws applicable to the public domain." Individual acts of possession in Alaska therefore would be in violation of American law. It cannot be presumed in the absence of proof that the people who located in the territory now in dispute did so in assertion of or in reliance on the sovereignty of the United States.

Up to this point this account has been taken up with the annals of an unknown region. Apart from the visits of occasional Alaska tourists, who found their way north to escape the summer heat and enjoy the novel scenery of the cloud-drenched coasts, and snow-capped mountains, and beyond the few engaged in the canning industries no one came to disturb the silence of the *lisière* or the peace of the aboriginal inhabitants. It was as unknown as the interior of Africa or possibly Greenland when Mr. Sumner spoke in 1867. For years conditions remained unchanged, and until 1896 the Governments of Great Britain or Canada knew little or nothing of the movements of the people along that remote north-west coast.

Reference will now be made to the cases of Dyea and Skagway, two Settlements at the head of the Lynn Canal. It is understood
that it is claimed, on the part of the United States, that
93 their possession of these places arose and continued under
circumstances which should influence the Tribunal to so delimit the boundary as to leave these places within United States' territory.

This contention is wholly disputed.

When in the summer of 1896 rich gold-fields were discovered in the Canadian-Klondike district upwards of 500 miles in the interior from the head of Lynn Canal, and the news gradually reached the outer world during the next six months, the eyes of the people

of North America were suddenly turned towards this hitherto unknown and almost inaccessible region. Tens of thousands of people in the early spring of 1897 started for "The Klondike," as the new mining district was popularly termed. The shortest way to it was by the Lynn Canal over the Skagway (White) and Chilcoot Passes and down the Yukon River. The pilgrims were of various nationalities, but mainly United States' citizens. Many stopped at Dyea and Skagway, while others pushed on over the passes to the gold-fields. By this movement of travel Dyea and Skagway came into existence. If there had previously been one or two isolated and temporary squatters at these points, their presence could not, it is believed, be shown to be of such a character as to constitute a settlement by or on behalf of the United States. It is to be particularly noted that this movement of population took place as a movement toward the Canadian Klondike, and the Settlements of Dyea and Skagway were an incident thereof, and came into existence wholly without reference to the question as to whether the sites of these Settlements were in British or United States' territory. In the early summer of 1897, therefore, the position was that some thousands had got over the passes, others were camped at Dyea and Skagway, and the movement was rapidly growing. Food and supplies had to be transported from the cities of the Pacific coast through Lynn Canal and over the passes.

It will be observed that this traffic had to pass from the towns and cities of British Columbia and the Pacific Coast States through the waters which separate the islands and strip of coast owned by the United States to the mouth of Lynn Canal, and thence over the frontier, wherever it might be, into the Canadian territory.

94 Under these circumstances, the Canadian Government was forced by the imperious necessities of the case to make provision for the traffic, and this explains their subsequent action.

British vessels were met by the fact that the regulations governing the action of the United States' revenue officers in charge of Alaskan ports were interpreted by them as forbidding landing from any British vessel anywhere on the shores of Lynn Canal, Juneau on the Gastineaux Channel being the only port of entry in this part of the territory.

These regulations were put in force, notwithstanding that Canada's claim to the territories at the head of Lynn Canal was at the time well known to the United States' Government. A reconnaissance having been made by Lieutenant Schwatka, of the United States' army, in the year 1883, of the passes from the Lynn Canal to the Yukon, embraced in the disputed territory, the Canadian Government in 1887, as already stated in this Case, shortly after they had official notice of his report, caused a protest to be lodged with the Government at Washington against the implied claim of Lieutenant Schwatka that this pass, called by him Perrier Pass, and now known as the Chilkoot Pass, was in United States' territory. Again, in 1888, the Canadian Government forwarded a further protest to Her Majesty's Government for communication to the United States' Government against a rumoured attempt of the United States to exercise jurisdiction at the White Pass, claiming it as British territory; and in the same year, during the currency of the Fishery negotiations at Washington, Dr. G. M. Dawson, as representing Her Majesty's Government, in an informal conference with Mr. Dall, representing the United States, put forward the contention that the territories surrounding the head of Lynn Canal were British. The report of the conference between Dr. Dawson and Mr. Dall was subsequently laid before Congress by President Cleveland, in his message dated 2nd March, 1889. In recommending to the President the publication of these documents, the Secretary of State observed:—

> "These documents are considered of value as bearing upon a subject of great international importance, and should be put in shape for public information."

95 Indeed, by the year 1892, such a diplomatic *rapprochement* had been arrived at between Great Britain and the United States with reference to the ascertainment of the true boundary that on the 22nd July of that year a Convention, hereinbefore referred to, was entered into between the two countries for a survey, with a view to the delimitation of the line in accordance with the spirit and intent of the Treaties. By this Convention, it was agreed that the boundary was to be considered and established as soon as practicable after the receipt of the Report of the Commissioners. That Report was signed on the 31st December, 1895, and laid before the Parliament of Canada and the United States' Con-

gress early in 1896. The position was, therefore, that the High Contracting Parties had not had time to meet to consider the boundary-line, and the matter was still *sub judice.*

It is obvious that if the Canadian Government had instructed British vessels to disregard these Regulations, there would have been grave danger of a serious collision. Instead of pursuing a course thus at variance with sound and prudent international practice, the Canadian Government opened communication with the Government of the United States, and proceeded to make the best arrangement possible for the protection of her trade with the Yukon, while at the same time reserving her rights as to the ultimate determination of the boundary. On the 22nd July, 1897, the Canadian Commissioner of Customs inquired of the United States' Treasury Department if Canadian goods could pass from Juneau, Alaska, to the Yukon frontier without payment of customs duties if owners paid for United States' officers accompanying the goods. The Assistant Secretary of the Treasury, in reply, inquired if it would facilitate matters to make Dyea a sub-port of entry. On the following day the Canadian Commissioner of Customs replied that it would facilitate matters if Dyea were made a sub-port of entry "pending settlement of boundary question," and requested that, if this arrangement were agreed to, the Treasury should issue instructions to allow British steamers from Canadian ports to land and receive passengers and goods at Dyea. This arrangement was approved of on the same day, "merchandise to be accompanied by a Customs officer at expense of owners." On the 19th
96 August following the Canadian Acting Minister of Customs sent the following despatch to the United States' Treasury Department:—

"Freight and passengers for Yukon are going in by White Pass, and the landing is at Skagway Bay, three miles south of Dyea. American vessels deposit freight and passengers at the bay, but privilege refused to Canadian vessels. Customs officers can as conveniently pass entries at Skagway as at Dyea. Will you please instruct officials by wire to extend privilege of landing at Skagway Bay to Canadian vessels as conceded to American vessels."

On the day following the Canadian Acting Minister of Customs received the following reply from the Treasury Department:—

"On the 6th instant, limits of Port of Dyea were extended to include Skagway, and deputy in charge instructed accordingly. This action gave Canadian vessels same rights as vessels of United States."

Four important facts are made evident by this correspondence:—

1. The objective point referred to in the first Canadian communican is the "Yukon frontier," no special locality being mentioned.

2. The reference to Dyea and the proposition to make it a sub-port of entry came from the United States' Government.

3. Canada, in accepting this proposition, expressly provided that her acceptance was "pending settlement of boundary question."

4. The necessity of the Case requiring immediate action rendered it quite impossible for the Canadian Government to adopt any other course than that which was followed.

A few months later the Canadian Government, in the early part of the year 1898, formally protested to the Imperial Government that the United States had established a sub-port of customs at Dyea, in territory which they claimed was rightfully British, and urged the desirability of establishing the boundary-line as contemplated by the Convention of 1892. An agreement was subsequently reached for establishing a provisional line as a boundary, but without prejudice to the claim of either Government, and matters have since remained *in statu quo.*

It is submitted, therefore, that the claims put forward by the United States' Government to hold Dyea and Skagway as Settlements made without notice of adverse rights, and without
97 any mutual communication saving the rights of Great Britain, are not claims which are justified by the facts.

It is necessary to refer to one other alleged act of possession on the part of the United States—the construction of certain storehouses on Wales and Pearse Islands, territory claimed to be British. These storehouses were constructed by the United States' Government in the summer of 1896, but nothing was known with regard to them by the Canadian Government until the year 1901.

In October 1901, it was discovered that on Chart No. 3091, published by the United States' Coast and Geodetic Survey, of part of the Pacific coast, the following names appeared:—

"St. House No. 1," on the eastern shore of Wales Island.

"No. 2 Storehouse," on the eastern shore of Pearse Island.

"United States' Storehouse No. 3," on the shore of Halibut Bay, which is a small indentation of the western shore of Portland Canal.

"United States' Storehouse No. 4," on the western shore of Portland Canal, to the north of the mouth of Salmon River, near the head of Portland Canal.

The exact point designated by the name was indicated on the chart in each case by a small dot.

An inquiry was at once directed to the United States' Government "as to the nature of the storehouses and the reason for their erection in this territory, the title to which was and still is the subject of diplomatic negotiation." In February 1902, Secretary Hay replied:—

"That the storehouses are upon territory which has been in the possession of the United States since its acquisition from Russia, and that the designation of Portland Canal is such as has been noted on all the charts issued by the United States since that acquisition,"

and added—

"I am not aware that the Government of His Britannic Majesty ever advanced any claim to this territory before the signature of the Protocol of the 30th May, 1898, preliminary to the appointment of the Joint High Commission."

In his letter, Mr. Hay directed attention to a certain report of the Bureau of Engineers of the United States' army. From
98 this report, it appears that the storehouses in question had been built in 1896 by parties landed by a United States' revenue-cutter, which had been sent out for the purpose. This report further states that after the completion of each of the buildings referred to, the "flag was hoisted," "three cheers given," &c. In short, the usual formalities ordinarily observed in taking possession of newly-acquired territory were gone through with, and this, although all these regions so formally taken possession of by the United States are claimed by them to be part of that territory which they have held for seventy years of undisputed occupation by the Russians and themselves. Wales Island in particular, upon which one of these storehouses was erected, with these solemn formalities, is within a few miles, across a narrow channel (the Portland Canal of Vancouver) from Port Tongass, which was occupied by the United States as a military post for several years after 1867.

In reply to the above letter of Secretary Hay of February 1902, the attention of the Secretary of State of the United States was directed by Mr. Raikes, the British Chargé d'Affaires at Washington,

to the note, addressed by Her Majesty's Minister at Washington to the United States' Secretary of State on the 5th June, 1891. Mr. Raikes, in his letter, said:—

"In view of a certain passage in the Report of the United States Coast and Geodetic Survey, your Government was reminded in this note, at the desire of the Government of Canada, that the question of the boundary in the neighbourhood referred to was the subject of some difference of opinion, and that the actual line could only be properly determined by an International Commission.

"The Canadian Government point out that shortly after that date provision was made in the Convention of the 22nd July, 1892, for the delimitation of the boundary-line in accordance with the 'spirit and intent of the Treaties,' and an agreement was entered into that the boundary was to be considered and established as soon as practicable after the receipt of the Report of the Commissioners.

"That Report was signed on the 31st December, 1895, and laid before the Parliament of Canada and the United States' Congress early in 1896; but in the same year, before the High Contracting Parties had met to consider the boundary-line, and while the matter was still *sub judice*, the United States erected the storehouses on part of the 'territory adjacent,' which was the subject of the operations of the joint survey and of the diplomatic negotiations.

"The Canadian Government conceive that occupation effected under such
99 circumstances would not, in international law, have any validity, but they are of the opinion that, nevertheless, the matter should not be allowed to pass without protest, and they have, therefore, expressed the desire that your Government should be informed of their views on the subject."

On the 16th September, 1902, the Acting Secretary of State of the United States formally acknowledged receipt of the above communication.

Summarised, the matter of these storehouses stands as follows:—

Wales Island is close to Tongass Island, where for some years the United States had a military post, being separated therefrom by a narrow channel.

While the whole question of the boundary was *sub judice* under the Treaty of 1892, the United States formally sent a revenue-cutter to take possession of Wales and Pearse Islands, and did so take possession in the year 1896.

Of this action Canada knew nothing until 1901, when it was observed by an examination of the United States' chart; Canada then at once protested, and was informed:

1. That the storehouses were not shown on the United States' maps.

2. That the islands had been in the possession of the United States since 1867.

It thereupon transpired that although possession had been taken and reported, and the storehouses marked on one chart, the charts which followed did not show the storehouses. The accident of a Canadian official happening to see the one particular chart upon which the storehouses were marked, alone brought the incident to the attention of the Canadian Government five years after it had occurred.

CHAPTER VI.

CARTOGRAPHY.

In the discussions of this question which have taken place, a number of maps have been at different times referred to. Of these maps those that are in the possession or control of the Representative of the British Government, so far as known, are reproduced in the Atlas which accompanies this Case, except such as are mere copies or reproductions of those which are so included in the Atlas.

Many of the maps referred to in the discussions are in such custody as not to be readily procurable for the purpose of having copies made. In such cases they have not been included in the Atlas.

It is believed, however, that sufficient have been included to make clear the arguments which are based upon the action of cartographers in relation to the subject in dispute.

The bearing of the maps, which have been compiled at various dates, upon the identification of the Portland Canal mentioned in the Treaty, has already been alluded to in this Case. It only remains to comment on such bearing as they may have on the line which runs from the head of Portland Channel.

With regard to maps generally, it is to be observed in the first place that their authority depends upon the degree of information to be attributed to their authors.

In considering whether the map makers who have shown upon their maps lines indicating a boundary had any adequate information to guide them, it is to be borne in mind that the question how the Treaty of 1825 affects the inlets on this coast has always been a question, not of the interpretation of the Treaty in the abstract, but of its application to the topography. Whether the line crossed any, and if so, what inlets was a matter which could not be decided till it was ascertained what was the true line of the coast, and what was the relation thereto of the various inlets and of the mountains bordering the coast. If this is the correct view of the ques-
101 tion it is obvious that the information within reach of the map makers in question was *nil.* There had been no survey, and the country was unfrequented and unknown.

It is contended that the line shown on these maps is really a theoretical line drawn to indicate broadly that a boundary existed in that region. This is not a case where a map maker is identifying natural features of the country as answering to any particular name; in which case the map might be evidence to show that at that time some persons, at any rate, understood such name as applying to such natural features. Nor is it a case where the map maker purports to depict the sites of settlements, the extent of discovery, or the like; in which cases the map might afford evidence of reputation or tradition. The maps of North-West America now under discussion simply purport to show the general course of a boundary existing, as yet, only on the paper of the Treaty which recorded it, deprived during all the years for which the *lisière* was under lease to the Hudson's Bay Company of any practical importance, traceable with reference to no local names, and resting on no facts known to the map maker. It is submitted that the Government of Great Britain should not be expected, before the question arose, to make any disavowal of the correctness of such maps. It would have been impossible for any one, whether Government official or private map maker, to pretend to trace the exact course of the boundary. As a matter of fact, everyone in any way brought into contact with the matter knew that the boundary was undetermined, and was incapable of being determined except by survey and by joint international action. No one, therefore, regarded the appearance of conventional and obviously inaccurate lines upon maps as having any significance.

The appearance of these lines seems to be accounted for by the fact that the known point of commencement in the continent was the head of Portland Canal. The line was, therefore, roughly drawn from the head of Portland Canal as an indication that there was a boundary somewhere in that neighbourhood, it being impossible to lay it down exactly by reference to the particular definition in the Treaty owing to complete lack of information in regard to
102 the ground. When one cartographer adopted this plan, others having no knowledge of the topography, and in the absence of any official interpretation of the Treaty, naturally followed the example of the first.

That these lines were wholly without authority and that they could not be considered as drawn in accordance, or even approxi-

mately in accordance with the Treaty, is clearly shown by Mr. Bayard, United States' Secretary of State, in his letter to Mr. Phelps, United States' Minister at St. James', of November 20, 1885, already referred to in this Case. Mr. Bayard first quotes, with approval, a letter of Mr. Dall, the United States' Expert Officer, in which Mr. Dall says:—

"We have no good topographical maps of this part of Alaska . . . . . ."

"We may then fall back on the line parallel with the windings of the coast. Let any one with a pair of drawing compasses, having one leg a pencil point, draw this line on the United States' Coast Survey Map of Alaska (No. 960, of 1884). The result is sufficient to condemn it. Such a line could not be surveyed: it crosses itself in many places, and indulges in myriads of knots and tangles. The line actually drawn as a boundary on that map omits the intricacies, and is intended merely as an approximation."

Mr. Bayard then says:—

"The line traced upon the Coast Survey Map of Alaska (No. 960), of which copies are sent to you herewith, is as evidently conjectural and theoretical as was the mountain summit line traced by Vancouver. It disregards the mountain topography of the country, and traces a line on paper about 30 miles distant from the general contour of the coast."

Mr. Bayard then specifically instructs Mr. Phelps to "bring the foregoing considerations to the attention of the Marquis of Salisbury," instructions which were carried out in due course. It is demonstrated, therefore, that in 1885 the United States' Government officially disavowed to the British Government the correctness of this conventional line, adopted by their own and other cartographers, and declared that the line was not in accordance with the Treaty, and was merely conjectural.

The Earl of Iddesleigh in his letter of August 27, 1886, to Mr. Phelps, some months later, expressed substantially the same view on behalf of Great Britain. He said:—

"In the note which you addressed to the Marquis of Salisbury on the
103 19th January last, you requested that you might be furnished with a copy of the map of the Dominion of Canada, geologically coloured, from surveys made by the Geological Corps, 1842-1882, alluded to in Mr. Bayard's statement of the 20th November, 1885, with reference to the question of the Alaska frontier.

"In forwarding to you a copy of the map in question, I have the honour to invite your attention to the fact that the Alaska boundary-line shown therein is merely an indication of the occurrence of such a dividing line somewhere in that region. It will, of course, be clearly understood that no weight could attach to

the map location of the line now denoted, inasmuch as the Convention between Great Britain and Russia of the 28th February, 1825, which defines the line, making its location dependent on alternative circumstances, the occurrence, or the non-occurrence, of mountains, and, as is well known to all concerned, the country has never been topographically surveyed.

"Her Majesty's Government, therefore, feel that they are bound distinctly to disavow the recognition of the correctness of the line shown on the edition of the Map in question, forwarded herewith, as the boundary-line between the Province of British Columbia and Alaska."

The positions of the United States and Great Britain upon this subject are therefore identical. In view of this fact, it becomes unnecessary to make any extended statement in reference to the appearance of this conjectural line on the various maps reproduced in the Atlas and on other maps which may be brought forward.

With a view to showing the diversity of the conventional and unauthorized lines drawn upon maps by the various cartographers, attention is drawn to the following:—

A map of Alaska and adjoining regions was compiled by Ivan Petroff, Special Agent of the United States, tenth census 1880, published in United States' Census Report. This map shows a waving line not following the parallel of latitude, entering the mouth of Observatory Inlet, and crossing up into Portland Canal, running from the head of Portland Canal about 30 miles from the general line of the coast up to Lynn Canal, and then running a similar distance around the head of Lynn Canal. This line in some places treats the inlets as not forming part of the coast, and it measures the approximate 30 miles from the mouth of the inlets until it reaches Taku Inlet and Lynn Canal, when it adopts a different principle and appears to treat Lynn Canal as part of the Ocean.

Another map, printed in volume viii, 10th Census, United
104 States, 1880, compiled by the same Ivan Petroff, Special Agent, has a line indicating the boundary which follows the same general principle as that immediately preceding, except that it assumes some point in Lynn Canal as the point where the coast stops, and shows the boundary-line apparently crossing the head of Lynn Canal, leaving a portion of it on the British side of the boundary-line.

In the library of the United States' Congress at Washington there exist maps opposed to the United States' contention. The following may be mentioned:—

A map published by A. Bertrand of Paris in 1826, giving a delineation of the west coast of America, shows Alaska as a peninsula only.

Again, Sharp's Student's Atlas (Chapman and Hall of London), 1850, shows the coast strip about 10 marine leagues wide from Mount St. Elias to latitude 56° 15′, thence south-west to Burrough's Bay. Revillagigedo is coloured as being British territory.

Another map showing the world on Mercator's projection in the same Atlas shows Russian America as confined to the mainland west of the 141st meridian.

A comprehensive Atlas, published by W. G. Tichnor of Boston, 1835, shows the boundary between the Russian and British possessions by a dash line, on the 141st meridian Arctic Ocean to the Pacific Ocean, marked "boundary settled in 1825." Upon this map a coloured line is drawn, apparently by hand, showing the boundary from the 141st meridian north of St. Elias, running along approximately parallel to the general line of coast to the head of Portland Canal. Another copy of the same Atlas, apparently older, shows the same dash line; but the coloured line added by hand runs into Lynn Canal on the west side near the head, and emerges near Endicott Arm, and from this point to latitude 56°, where it ends, leaves a very narrow strip between line and shore. From 56° to 54° 40′ the mainland is all shown as British territory.

In another Atlas published by Chapman and Hall, of London, 1844, described as an Atlas published by the Society for the discussion of useful knowledge, is a map of British North
105 America, which shows the boundary-line approximately 10 leagues from the shore to Burrough's Bay.

These maps are cited for the purpose of showing that the boundary-line shown upon the maps were all hypothetical, and differed greatly as between themselves.

Finally, on this subject, reference is made to the Convention which was concluded between Great Britain and the United States on the 22nd July, 1892. This Convention has been already referred to, and is set out in the Appendix. It must be remembered that it was concluded after the diplomatic correspondence and communications which had taken place from 1825 to 1892, and followed not long after the letters of Secretary Bayard and the Earl of Iddesleigh, cited above. It provided for a determination of the boundary to follow the ascertainment of facts and data by joint survey, but made no reference to previous cartography.

In regard to the remarks offered upon the question of maps, they are made with a reservation of the right to deal with the subject fully in the British Counter-Case. It is obviously impossible at this stage to know what view will be presented by the United States, and the foregoing observations are made at this stage for the purpose of putting the Tribunal in possession at the outset of the general view taken by Great Britain upon the subject.

PART II.

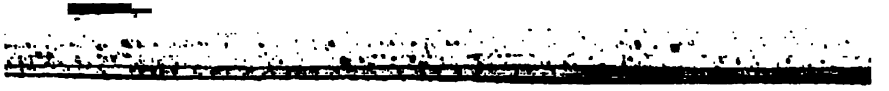
APPENDIX

TO THE

CASE OF HIS MAJESTY'S GOVERNMENT

BEFORE THE

ALASKA BOUNDARY TRIBUNAL.



APPENDIX TO THE CASE OF HIS MAJESTY'S GOVERNMENT BEFORE THE ALASKA BOUNDARY TRIBUNAL.

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CONVENTION SIGNED AT WASHINGTON, JANUARY 24, 1903, FOR THE ADJUSTMENT OF THE BOUNDARY BETWEEN THE DOMINION OF CANADA AND THE TERRITORY OF ALASKA.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the Convention between Great Britain and Russia, signed under date of the 28th (16th) February, A. D. 1825, which clauses relate to the delimitation of the boundary-line between the territory of Alaska, now a possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a Tribunal, and to that end have appointed their respective Plenipotentiaries as follows:

His Britannic Majesty, the Right Honourable Sir Michael H. Herbert, K.C.M.G., C.B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; and

The President of the United States of America, John Hay, Secretary of State of the United States;

Who, after an exchange of their full powers, which were found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I.

A Tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this Convention. The Tribunal shall consist of six impartial jurists of repute, who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the Tribunal, and will decide thereupon according to his true judgment. Three members of the Tribunal shall be appointed by His Britannic Majesty and three by the President of the United States. All questions considered by the Tribunal, including the final award, shall be decided by a majority of all the members thereof.

In case of the refusal to act, or of the death, incapacity, or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor.

The Tribunal may appoint a Secretary and a Bailiff to perform such duties as they may prescribe, and may employ scientific experts if found to be necessary, and may fix a reasonable compensation for

such officers. The Tribunal shall keep an accurate record of all its proceedings.

Each of the High Contracting Parties shall make compensation for the services of the members of the Tribunal of its own appointment, and of any agent, counsel, or other person employed in its behalf, and shall pay all costs incurred in the preparation of its Case. All expenses reasonably incurred by the Tribunal in the performance of its duties shall be paid by the respective Governments in equal moieties.

The Tribunal may, subject to the provisions of this Convention, establish all proper rules for the regulation of its proceedings.

ARTICLE II.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its Agent.

2 The written or printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and all other evidence in writing or print on which each Party relies, shall be delivered in duplicate to each member of the Tribunal and to the Agent of the other Party as soon as may be after the organization of the Tribunal, but within a period not exceeding two months from the date of the exchange of ratifications of this Convention.

Within two months after the delivery on both sides of the written or printed Case, either Party may, in like manner, deliver in duplicate to each member of the Tribunal, and to the Agent of the other Party, a Counter-Case and additional documents, correspondence, and evidence in reply to the Case, documents, correspondence, and evidence so presented by the other Party. The Tribunal may, however, extend this last-mentioned period when in their judgment it becomes necessary, by reason of special difficulties which may arise in the procuring of such additional papers and evidence.

If in the Case submitted to the Tribunal either Party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party shall demand it, within thirty days after the delivery of the Case, to furnish to the Party applying for it a duly certified copy thereof; and either Party may call upon the other, through the Tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Tribunal may require; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

Each Party may present to the Tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control and applicable to the rightful decision of the questions submitted; and if it appears to the Tribunal that there is evidence pertinent to the Case in the possession of either Party, and which has not been produced, the Tribunal may in its discretion order the production of the same by the Party having control thereof.

It shall be the duty of each Party through its Agent or Counsel, within two months from the expiration of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each member of the said Tribunal and to the Agent of the other Party a written or printed argument showing the points and referring to the

evidence upon which his Government relies, and either Party may also support the same before the Tribunal by oral argument of Counsel. The Tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either Party a written, printed, or oral statement or argument upon the point; but in such case the other Party shall have the right to reply thereto.

ARTICLE III.

It is agreed by the High Contracting Parties that the Tribunal shall consider in the settlement of the questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of the 28th (16th) February, A. D. 1825, and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March, A. D. 1867, and particularly the Articles III, IV, and V of the first-mentioned Treaty, which in the original text are, word for word, as follows:—

"III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du Continent et les Iles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit:—

"A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54° 40′ de latitude nord, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atteint le 56e degré latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien); et finalement, du dit point d'intersection, la même ligne méridienne du 141e degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l'Amérique Nord-ouest.

"IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent—

"1. Que l'île dite *Prince of Wales* appartiendra toute entière à la Russie.

"2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56e degré de latitude nord au point d'intersection du
3 141e degré de longitude ouest, se trouverait à la distance de plus de 10 lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines.

"V. Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédents assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux Articles précédents; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites.

The Tribunal shall also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conclusion of said Treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties.

ARTICLE IV.

Referring to Articles III, IV, and V of the said Treaty of 1825, the said Tribunal shall answer and decide the following questions:—

1. What is intended as the point of commencement of the line?

2. What channel is the Portland Channel?

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the Ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the Ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière* which was to belong to Russia be measured (1) from the mainland coast of the Ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the Ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

ARTICLE V.

The Tribunal shall assemble for their first meeting at London so soon as practicable after receiving their commissions, and shall themselves fix the times and places of all subsequent meetings.

The decision of the Tribunal shall be made so soon as possible after the conclusion of the arguments in the Case, and within three months thereafter, unless His Britannic Majesty and the President of the United States shall by common accord extend the time therefor. The decision shall be made in writing and dated, and shall be signed by the members of the Tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the Agent of His Britannic Majesty for his Government, and the other to the Agent of the United States of America for his Government.

ARTICLE VI.

When the High Contracting Parties shall have received the decision of the Tribunal upon the questions submitted as provided in the foregoing Articles, which decision shall be final and binding upon all Parties, they will at once appoint, each on its own behalf, one or more scientific experts, who shall, with all convenient speed, proceed together to lay down the boundary line in conformity with such decision.

Should there be, unfortunately, a failure by a majority of the Tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective Governments through their respective Agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

ARTICLE VII.

The present Convention shall be ratified by His Britannic Majesty and by the President of the United States by and with the advice and consent of the Senate, and the ratifications shall be exchanged in London or in Washington so soon as the same may be effected.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our Seals.

Done at Washington, in duplicate, this 24th day of January, A.D. 1903.

(Signed) MICHAEL H. HERBERT.
(Signed) JOHN HAY.

RUSSIAN UKASE OF 1799.

The following is a literal translation of the Ukase in question, taken from Golovnin, in "Materialui dla Istoriy Russkikh Zasseleniy," i, 77–80:—

By the grace of a merciful God, we, Paul I, Emperor and Autocrat of All the Russias, &c. To the Russian-American Company, under our highest protection, the benefits and advantages resulting to our Empire from the hunting and trading carried on by our loyal subjects in the north-eastern seas and along the coasts of America have attracted our Royal attention and consideration; therefore, having taken under our immediate protection a Company organised for the above-named purpose of carrying on hunting and trading, we allow it to assume the appellation of "Russian-American Company under our highest protection;" and for the purpose of aiding the Company in its enterprises, we allow the Commanders of our land and sea forces to employ said forces in the Company's aid if occasion requires it, while for further relief and assistance of said Company, and having examined their Rules and Regulations, we hereby declare it to be our highest Imperial will to grant to this Company for a period of twenty years the following rights and privileges:—

1. By the right of discovery in past times by Russian navigators of the north-eastern part of America, beginning from the 55th degree of north latitude and of the chain of islands extending from Kamschatka to the north to America and southward to Japan, and by right of possession of the same by Russia, we most graciously permit the Company to have the use of all hunting grounds and establishments now existing on the north-eastern (sic) coast of America, from the above-mentioned 55th degree to Behring Strait, and on the same also on the Aleutian, Kurile, and other islands situated in the north-eastern ocean.

2. To make new discoveries not only north of the 55th degree of north latitude but farther to the south, and to occupy the new lands discovered, as Russian possessions, according to prescribed rules, if they have not been previously occupied by any other nation, or been dependent on another nation.

3. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the bosom of the earth, without any competition by others.

4. We most graciously permit this Company to establish Settlements in future times, wherever they are wanted, according to their best

knowledge and belief, and fortify them to ensure the safety of the inhabitants, and to send ships to those shores with goods and hunters, without any obstacles on the part of the Government.

5. To extend their navigation to all adjoining nations and hold business intercourse with all surrounding Powers, upon obtaining their free consent for the purpose, and under our highest protection, to enable them to prosecute their enterprises with greater force and advantage.

6. To employ for navigation, hunting, and all other business, free, and unsuspected people, having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities, passports for seven years. Serfs and house-servants will only be employed by the Company with the consent of their land-holders, and Government taxes will be paid for all serfs thus employed.

7. Though it is forbidden by our highest order to cut Government timber anywhere without the permission of the College of Admiralty, this Company is hereby permitted, on account of the distance of the Admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required.

8. For shooting animals, for marine signals, and on all unexpected emergencies on the mainland of America and on the islands, the Company is permitted to buy for cash, at cost price, from the Government artillery magazine at Irkutsk yearly 40 or 50 pouds of powder, and from the Nertchinsk mine 200 pouds of lead.

9. If one of the partners of the Company becomes indebted to the Government or to private persons, and is not in a condition to
6 pay them from any other property except what he holds in the Company, such property cannot be seized for the satisfaction of such debts, but the debtor shall not be permitted to use anything but the interest or dividends of such property until the term of the Company's privileges expires, when it will be at his or his creditors' disposal.

10. The exclusive right most graciously granted to the Company for a period of twenty years, to use and enjoy, in the above-described extent of country and islands, all profits and advantages derived from hunting, trade, industries, and discovery of new lands, prohibiting the enjoyment of those profits and advantages not only to those who would wish to sail to those countries on their own account, but to all former hunters and trappers who have been engaged in this trade, and have their vessels and furs at those places; and other Companies which may have been formed will not be allowed to continue their business unless they unite with the present Company with their free consent; but such private Companies or traders as have their vessels in those regions can either sell their property, or, with the Company's consent, remain until they have obtained a cargo, but no longer than is required for the loading and return of their vessel; and after that nobody will have any privileges but this one Company, which will be protected in the enjoyment of all the advantages mentioned.

11. Under our highest protection, the Russian-American Company will have full control over all above-mentioned localities, and exercise judicial powers in minor cases. The Company will also be permitted

to use all local facilities for fortifications in the defence of the country under their control against foreign attacks. Only partners of the Company shall be employed in the administration of the new possessions in charge of the Company.

In conclusion of this our most gracious order for the benefit of the Russian-American Company under highest protection, we enjoin all our military and civil authorities in the above-mentioned localities not only not to prevent them from enjoying to the fullest extent the privileges granted by us, but in case of need to protect them with all their power from loss or injury, and to render them, upon application of the Company's authorities, all necessary aid, assistance, and protection.

To give effect to this our most gracious Order, we subscribe it with our own hand and give orders to confirm it with our Imperial seal.

Given at St. Petersburgh, in the year after the birth of Christ 1799, the 27th day of December, in the fourth year of our reign.

(Signed) PAUL.

7

Traduction.]

RUSSIAN UKASE, DATED SEPTEMBER 4, 1821.

Nous étant convaincus par les Rapports qui nous ont été présentés que le commerce de nos sujets avec les Iles Aléoutes et la partie de la côte nord-ouest de l'Amérique soumise à la Russie, éprouve des entraves et qu'il est exposé à des pertes sensibles par suite du commerce frauduleux qu'exercent des étrangers.

Considérant, d'autre part, que la cause principale de ces pertes est le défaut de règles positives, tendantes à fixer les limites de la navigation le long de ces côtes et l'ordre auquel doivent être soumises les relations maritimes tant dans ces parages que sur toute la côte orientale de la Sibérie et aux Iles Kouriles, nous avons jugé convenable d'arrêter à cet égard les principes développés dans le Règlemente spécial annexé au présent Ukase.

En le transmettant au Sénat dirigeant, nous lui ordonnons de le publier et de prendre toutes les mesures nécessaires à son exécution.

L'original est signé de la propre main de Sa Majesté l'Empereur.

(Signé) ALEXANDRE.

LE 4 SEPTEMBRE, 1821.

Rules established for the Limits of Navigation and Order of Communication along the Coast of Eastern Siberia, the North-West Coast of America, and the Aleutian, Kurile, and other Islands, under Russian Ukase of September 4/16, 1821.

[On the original is written in the handwriting of His Imperial Majesty: "Be it accordingly, * * * —ALEXANDER."]

KAMMENOI OSTROFF, *September 4, 1821.*

1. The pursuits of commerce, whaling, and fishery, and of all other industry on islands, posts, and gulfs, including the whole of the north-west coast of America, beginning from Behring's Straits to the 51° of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the south cape of the Island of Urup, viz., to the 45° 50′ north latitude, is exclusively granted to Russian subjects.

2. It is therefore prohibited to all foreign vessels, not only to land on the coasts and islands belonging to Russia as stated above, but, also, to approach them within less than 100 Italian miles. The transgressors' vessel is subject to confiscation along with the whole cargo.

3. An exception to this rule is to be made in favour of vessels carried thither by heavy gales, or real want of provisions, and unable to make

any other shore but such as belongs to Russia; in these cases they are obliged to produce convincing proofs of actual reason for such an exception. Ships of friendly Governments, merely on discoveries, are likewise exempt from the foregoing Rule 28. In this case, however, they must be previously provided with passports from the Russian Minister of the Navy.

4. Foreign merchant-ships which, for reasons stated in the foregoing rule, touch at any of the above-mentioned coasts, are obliged to endeavour to choose a place where Russians are settled, and to act as hereafter stated.

5. On the arrival of a foreign merchant-ship, wind and weather permitting, a pilot will meet her to appoint an anchoring place appropriated for the purpose. The captain, who, notwithstanding this, anchors elsewhere without being able to assign a reason to the Commander of the place, shall pay a fine of 100 dollars.

8 6. All rowing-boats of foreign merchant-vessels are obliged to land at one place appointed for them, where, in the day-time, a white flag is hung out, and at night a lantern, and where a clerk is to attend continually to prevent importing and exporting any articles or goods. Whoever lands at any other place, even without an intent of smuggling, shall pay a fine of 50 dollars, and if a person be discovered bringing any articles ashore, a fine of 500 dollars is to be exacted, and the goods to be confiscated.

7. The commanders of said vessels being in want of provisions, stores, &c., for the continuation of their voyage, are bound to apply to the Commander of the place, who will appoint where these may be obtained, after which they may, without difficulty, send their boats there to procure all they want. Whoever deviates from this rule shall pay a fine of 100 dollars.

8. If it be unavoidable, for the purpose of repairing or careening a foreign merchant-ship, that she discharge the whole cargo, the master is obliged to ask the permission of the Commander of the place. In this case the captain shall deliver to the Commander an exact list of the natured quality of the goods discharged. Everyone who omits to report any part of the cargo will be suspected of smuggling, and shall pay a fine of 1,000 dollars.

9. All expenses incurred by these vessels during their stay in the Russian territories must be paid in cash or bills of exchange. In case, however, the captains of these ships have no money on board and nobody gives security for their bonds, the Commander can, at their request, allow the sale of such articles, stores, or goods, required merely for defraying the above-stated expenses. These sales, however, can be made only to the Company, and through the medium of the Commander, but must not exceed the expenses of the ships, under penalty of the cargo being seized and a fine paid of 1,000 dollars.

10. As soon as said foreign merchant-vessels are ready for their cargoes, stores, provisions, &c., they must immediately proceed to take them in, and after an examination, if they have loaded all the above-stated articles, and a written certificate of their not having left anything behind, they are to set sail. Such vessels as have not been unloaded are likewise subjected to sail without the least delay as soon as they are able to proceed to sea.

11. It is prohibited to all commanders of the said foreign vessels,

commissioners, and others, whosoever they may be, to receive any articles, stores, or goods in those places where they will have landed, except in the case as per 7, under penalty of seizure of their ship and cargo.

12. It is prohibited to these foreign ships to receive on board, without special permission of the Commanders, any of the people in the service of the Company, or of the foreigners living in the Company's Settlements. Ships proved to have the intention of carrying off any person belonging to the Colony shall be seized.

13. Every purchase, sale, or barter is prohibited betwixt a foreign merchant-ship and people in the service of the Company. This prohibition extends equally to those who are on shore and to those employed in the Company's ships. Any ship acting against this Rule shall pay five times the value of the articles, stores, or goods constituting this prohibited traffic.

14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands, and of the north-west coast of America, in the whole extent here above mentioned. A ship convicted in this trade shall be confiscated.

15. All articles, stores, and goods found on shore in ports and harbours belonging to Russian subjects (carrying on prohibited traffic) or to foreign vessels are to be seized.

16. The foreign merchant-ships lying in harbour or in the roads dare, under no pretence, send out their boats to vessels at sea, or to those already come in, until they have been spoken to and visited, according to the existing customs. Whenever a foreign vessel
9 hoists a yellow flag to announce an infectious disease being on board, or the symptoms of the same, or any other danger of which she wishes to be freed, every communication is interdicted until the said flag is taken down. From this Rule, however, are excepted persons appointed for the purpose and whose boats be under the colours of the Russian-American Company. Any vessel acting contrary to this Regulation shall pay a fine of 500 dollars.

17. No ballast may be thrown overboard but in such places as are appointed by the Commanders. The transgressor is liable to a fine of 500 dollars.

18. To all foreign merchant-ships during their stay in anchoring places, harbours, or roads, it is prohibited to have their guns loaded either with balls or cartridges under the risk of paying a fine of 50 dollars for each gun.

19. No foreign merchant-ship in port, or in the roads, or riding at anchor, may fire guns or muskets without previously informing the Commander of the place or Settlement, unless it be for pilots signalizing the same by the firing of one, two, or three guns, and hoisting her colours as is customary in similar wants. In acting contrary thereto she is subjected to a fine of 100 dollars for each shot.

20. On the arrival of a foreign ship in the harbour, or in the roads, a boat will immediately be sent to meet her, and to deliver to the captain a printed copy of these Regulations, for which he must give receipt in a book destined for the purpose. He is further obliged to state in a book, as per annexed form, all information required of foreign vessels. All ships refusing to comply with these Regulations dare not approach the harbour, roads, or any anchoring place.

Destination of the Vessel.	Place where the Vessel comes from.	Cargo.	Number of Guns.	Number of Crew.	Name of the Captain.	Name of the Owner.	What Nation.	Name and Burthen of the Vessel.

21. The captain of a foreign merchant-ship coming to an anchor in the port or in the roads is obliged, on his arrival, to give a statement of the health of the ship's crew, and should, after this, a contagious illness be discovered on board of his vessel, he must immediately inform the Commander of the place thereof. The vessel, according to circumstances, will be either sent off or put under quarantine in a place appropriated for the purpose, where the crew may be cured without putting the inhabitants in danger of infection. Should the captain of such a ship conceal the circumstance, the same will be confiscated with her whole cargo.

22. The master of a vessel, at the request of the Commander of a place, is obliged to produce a list of the whole crew and all the passengers, and should he omit any, he shall pay a fine of 100 dollars for every one left out.

23. The captains are bound to keep their crew in strict order and proper behaviour on the coasts, and in the ports, and likewise prevent their trading or bartering with the Company's people. They are answerable for the conduct of their sailors and other inferiors. Illicit trade carried on by sailors, subject the vessel to the same penalty as if done by the captain himself, because it were easy for the captains to carry on smuggling without punishment, and justify themselves by throwing the fault on the sailors. Therefore, every article found upon sailors which they could not hide in their pockets or under their clothes to screen from their superiors, sold or bought on shore, will be considered as contraband from the ship, and is subject to the prescribed fine.

24. Foreign men-of-war shall likewise comply with the above-stated Regulations for the merchant-ships to maintain the rights and benefit of the Company. In case of opposition, complaints will be made to their Governments.

25. In case a ship of the Russian Imperial Navy, or the one belonging to the Russian American Company, meet a foreign vessel on the above-stated coasts, in harbours or roads, within the before-mentioned limits, and the Commander find grounds, by the present Regulation, that the ship be liable to seizure, he is to act as follows:—

26. The commander of a Russian vessel suspecting a foreign vessel to be liable to confiscation must inquire and search the same, and finding her guilty, take possession of her. Should the foreign vessel resist, he is to employ first persuasion, then threats, and at last force; endeavouring, however, at all events, to do this with as much reserve as possible. If the foreign vessel employ force against force, then he shall consider the same as an evident enemy, and force her to surrender according to the naval laws.

27. After getting everything in order and safely on board the foreign vessel, the commander of the Russian ship, or the officer sent by him, shall demand the journal of the captured vessel, and on the spot shall

note down in the same that on such a day, month, and year, at such an hour, and in such a place, he met such and such a foreign vessel, and shall give a brief account of the circumstance, pursuit, and, finally, of the seizure. After signing the same he shall desire the captain of the captured vessel to confirm the same in his own handwriting. Should he, however, refuse to sign the same, the Russian officer is to repeat his summons in presence of all the officers; and if on this it be again refused, and nobody will sign in lieu of the captain, he is then to add this circumstance, signed by himself. After this arrangement, the journal, list of the crew, passports, invoices, accounts, and all further papers respecting the views and pursuits of the voyage of the vessel, shall be put up in one parcel, as well as all private papers, viz., the journals of the officers, letters, &c., and sealed with the seals of the Russian officer, and those of the captain and first officer of the foreign vessel. This packet shall remain sealed with the commander of the Russian vessel until their arrival at the port of St. Peter and Paul, where it shall be deposited in the Court as mentioned in 33. Besides this, everything else must be sealed by the Russian officer and the foreign captain that is not requisite for the continuation of the voyage to the port of St. Peter and Paul, excepting the effects for immediate and sole use of the ship's crew, which shall not be withheld from them.

28. Having thus fixed all means of precaution, the officer sent to arrest the foreign vessel shall make instantly his report to his Chief and await his orders.

29. Thus, should, by any cause stated in the 2nd, 11th, 12th, and 21st sections of these Regulations, a foreign vessel be subjected to confiscation in any port near the Settlement of the Russian-American Company, the Commander of that Settlement is obliged either to ask the assistance of the Russian man-of-war, if there be any, and the Commander of which, on the receipt of a written request, is obliged to arrest the vessel, and use all the precautions prescribed in the foregoing Article, or, if there be no Russian man-of-war in the harbour or its neighbourhood, and the Commander of the Settlement find that he and his people can arrest the vessel by themselves, he then is to act according to the 26th, 27th, and 28th section, and putting ashore the captain, and every means of getting the vessel away, he must endeavour as soon as possible to give information of this event either to the Governor of the Colonies of the Russian-American Company or the Commander of the Imperial man-of-war, if it be known where she lie.

30. When, in consequence of such a report, the Governor of the Colonies shall send the Company's vessel, or a Government vessel arriving, then the Commander of the place shall deliver up the vessel seized, and all belonging to her, and shall report respecting his reasons for confiscating the vessel.

31. The commander of the vessel, taking charge of the seizure per inventory, shall examine immediately into all circumstances mentioned, and compare it with the accounts of the Commander of the Settlement, who will give every elucidation required.

11 32. All vessels detained by Russian men-of-war are ordered by these Regulations to be brought to the port of St. Peter and Paul, where the sentence is to be passed on them by a Court established for adjudging such cases.

33. This Court, under the presidency of the Commander of Kamt-

chatka, shall consist of the three Senior Officers under him, and of the Commissioner of the Russian-American Company.

34. As soon as a Russian vessel, bringing into the port of St. Peter and Paul a foreign vessel arrested by her, has come to an anchor in the place assigned her, the commander of her is immediately to repair to the Commander of Kamtchatka, stating briefly what vessel he had brought in, the number of the crew, and the sick, specifying their diseases, and reporting likewise whether the vessel has sufficient victuals, and what goods, guns, and other arms, powder, &c., are on board.

35. The Commander of Kamtchatka, on receiving this report, will order two officers and a sufficient number of men on board the captured vessel.

36. These two officers, together with the officers who brought in the detained ship, when on board, are to summon the master and two of his mates or men in command next to him, inspect all the seals put on the vessel, and then, taking them off, begin immediately to make an accurate list of all the effects belonging to the vessel.

37. This list is to be signed by all the officers on both sides who were present in drawing it up. The Commander of Kamtchatka is to use all possible endeavours to secure from embezzlement or damage all effects belonging to the detained vessel.

38. The crew of the vessel is then to be sent ashore to such places as shall be appointed by the Commander of Kamtchatka, and remain there until the close of the investigation.

39. The commander of the Russian vessel is obliged in the course of two days after his arrival at the port of St. Peter and Paul to make a minute representation to the Commander of Kamtchatka of all that shall have happened at the detention of the foreign vessel brought in by him, and to deliver said vessel, together with the sealed pacquet containing her papers, expressed in 27.

40. If the Russian vessel that brought into the port of St. Peter and Paul a foreign vessel cannot for reasons remain there until the close of the investigation, but be obliged to proceed to sea in a very short time, the Commander, in order not to detain her, shall use all possible dispatch by bringing forward the investigation of such points as may require the presence of the Russian vessel.

41. Having settled everything on board the arrested vessel and landed the crew, the Court immediately shall open the session, and endeavour to ascertain as soon as possible the solution of the inquiry, whether the vessel be lawfully arrested or not.

42. In order to ascertain this, the following proofs shall be substantiated:—

1. That the vessel was met with within the boundaries prescribed in 2 of these Regulations, and that her having been within such limits was not occasioned by reasons stated in 3.
2. That the vessel is a lawful prize by virtue of the 2, 11, 12, 14, and 21 of these Regulations, and the of the Instructions to the Commander of the Russian man-of-war.

43. In order to decide either case, the Court is to inspect all documents presented, and tracing, on one part all proofs of guilt, and on the other all doubts which might clear the foreign vessel, summon the Commanding Officer of the Russian vessel to give all additional infor-

mation deemed needful, and completing thus all circumstances condemning the foreign vessel, the Court shall draw up a clear statement of the reason of her condemnation.

44. Should the Court, in making out said statement, find that the foreign vessel has been arrested without sufficient cause, said Court, on passing sentence, is to determine the damage suffered by such detention, and to furnish both parties with a certified copy of this resolution.

12 45. In the course of two days, both parties shall declare whether they are satisfied with the decision of the Court or not, and, in the latter case (should it happen), assign it in writing.

46. Should both parties be satisfied with the decision of the Court, then the Commander of Kamtchatka is to release immediately the detained vessel, returning everything to the master according to the inventory, along with the adjudged damages, exacting them from whomsoever is to pay the same.

47. If, on the contrary, the Court receive on the third day a repeal to its decision, it is bound to take that repeal into immediate consideration, and, finding it just, to change its decision, if not, to confirm the same, and make it known to the parties a second time. After this no representations shall be admitted, and both parties shall be summoned before the Court, which shall allow them to make their protest in writing, and will then state all the reasons why the sentence passed should be carried into execution.

48. If the Court find by the indictment that the vessel has been lawfully detained, then the master of the foreign vessel, or the two eldest in command under him, shall be summoned, and the reasons of their detention made known to them, giving them a certified copy of the condemnation.

49. The Court is to receive within three days, and no later, the representations of the master, and if he do not present the same within the time limited, the Court summoning him, with two of his crew, notifies that his silence is received as a mark of compliance, and that the condemnation is just.

50. In this case the Court comes to its final decision, which, on the following day, is communicated to the whole crew of the foreign vessel, who shall sign, all and every one, that such sentence has been made known to them, after which the Commander of Kamtchatka is to carry the sentence of the Court into execution, as will be explained hereafter.

51. Should, however, the master deliver within the time limited his protest, then the Court, examining it with all possible impartiality, shall call for all further explanations, and, having inserted the whole into the journal of the Court, shall pass a final sentence, and pronounce it as stated in 47.

52. If, by sentence of the Court, the arrested vessel be released, and adjudged to receive damages for her detention, and if the vessel has been arrested by any of the Company's officers, and the damages are not above 5,000 roubles, the Commander of Kamtchatka shall demand immediate payment of said sum from the office of the Russian-American Company, but if the damages exceed that sum, he is to notify it to the Company's office, and give to the foreign master a certificate; but the money cannot be paid by the Company otherwise than after the inspection and resolution of its Court of Directors. If, on

the other hand, the foreign vessel has been detained unlawfully by a Russian man-of-war, the Commander of Kamtchatka is to pay the adjudged damages (not exceeding the sum of 5,000 roubles) out of any Government sum, and to report, in order to incash it from the guilty, but if the damages should exceed the sum of 5,000 roubles, the Commander of Kamtchatka is to furnish a certificate for the receipt of the money after the regulation and confirmation of the Russian Government.

53. The reimbursement of such damages as may have been incurred by unlawful detention shall be exacted from the Commander and all the officers of the man-of-war, who, having been called by the Commander to a Council, shall have given their opinion that such a ship ought to be detained.

54. As soon as a foreign ship is sentenced to be confiscated, the Commander of Kamtchatka is to make due arrangements for transporting the crew to Ochotsk, and from thence to any of the ports in the Baltic, in order to enable every one of them to reach his own country. With the confiscated ship and cargo, he is to act as with a prize, taken in time of war.

55. After this the Commander of Kamtchatka shall order a Committee to value the vessel and her cargo. This Committee is to be composed of one member appointed by the Commander of Kamtchatka, one by the Commander of the man-of-war, and a third by the Russian-American Company.

13 56. These Commissioners are to make up a specified list and valuation according to the following rules:—

1. All provisions, rigging, iron, powder, and arms, shall be put down at such prices as they cost Government there.

2. All merchandize which might be used in Kamtchatka and the Company's Colonies, and which are carried there at times from Russia, shall be valued at their prices then existing.

3. All goods which are not imported into these places from Russia, but are wanted there, shall be valued like goods brought from Russia, being the nearest to them, and in proportion to their wants.

4. All goods not in use at Kamtchatka or the Colonies shall be sent to Irkutsk and sold at public auction by the proper authorities.

57. The said Commissioners shall present their valuation to the Commander of Kamtchatka for his approbation, who, in case of not finding the same exact, shall return it, with his remarks, and shall appoint other officers to inspect such articles as may appear unfairly valued.

58. If the Commissioners hereafter continue in their opinion, and the Commander of Kamtchatka find it impossible to agree thereto, he shall provisionally consent and leave the final decision to Government.

59. According to this valuation, the Commander of Kamtchatka shall mark, for the use of Government, all those articles which he thinks are wanted; the remainder is left at the disposal of the officers of the ship, or of the Russian-American Company. The seized vessel shall be valued by the Court, and the valuation sent immediately to the Minister of the Navy, with a report whether such a vessel is wanted for Government service or not.

60. The whole sum of valuation of the confiscated vessel and cargo is to be divided in the following manner. The expenses necessary to forward the ship's crew to one of the ports in the Baltic are to be deducted, and the remaining sum divided, if the vessel has been taken by the Russian-American Company's officers, and carried to the port

of St. Peter and Paul by a ship of said Company, without the interference of a man-of-war, into five parts, of which one goes to the Government, and the remaining four-fifths to the Russian-American Company. If the vessel be taken in any of the Company's Settlements by the Company's officers, but brought to the port of St. Peter and Paul by a man-of-war, after deducting one-fifth for Government, two-fifths are to belong to the crew of the man-of-war, and the remaining two-fifths to the Russian-American Company, and finally, if such foreign vessel be detained by men-of-war only without the assistance of the Company's officers, then, after deducting one-fifth for Government, the remainder is left to the officers of the men-of-war.

But if a vessel be taken by the conjoint forces of a man-of-war and a Company's vessel, then the prize shall be divided between them in proportion to their strength, regulating the same according to the number of guns.

61. The sum coming to the officers of the man-of-war shall be divided according to the Rules for dividing prizes in time of war. In all cases, officers who had a share in seizing foreign vessels convicted of the intention of infringing the privileges most graciously granted to the Russian-American Company, may expect to receive tokens of His Imperial Majesty's approbation, especially when, after deducting the expenses for conveying the crew, their part in the prize money should prove but trifling.

62. If a foreign vessel detained by a Russian being under the command of a Russian officer should be cast away before reaching the port of St. Peter and Paul, the following principle shall be observed:—

If a foreign vessel alone be lost, and the Russian accompanying her arrive at the port of St. Peter and Paul, then the Court acts according to the foregoing Rules to determine whether that vessel was lawfully seized. In this case Government takes upon itself the expenses of conveying to a port of the Baltic such of the ship's crew as were saved. But if such a vessel should not be proved to have been detained lawfully, then independent of those expenses, the ship shall be valued, and such valuation forwarded to Government for the payment of what may be deemed just; at the same time investigation shall be made on the loss of the vessel, and the officer that had the command (if saved) is to be tried according to the maritime Rules and Regulations.

14 63. The Commander of Kamtchatka is bound to make a special Report to the Governor-General of Siberia respecting every circumstance happening to foreign vessels, annexing copies of all documents, journals, and sentences of the Court, and of all papers relating thereunto.

The original is signed:

COUNT D. GURIEFF,
Minister of Finances.

Edict of His Imperial Majesty, Autocrat of All the Russias.

The Directing Senate maketh known to all men:

Whereas in an Edict of His Imperial Majesty issued to the Directing Senate on the 4th day of September, and signed by His Imperial Majesty's own hand, it is thus expressed:—

"Observing from Reports submitted to us that the trade of our subjects on the Aleutian Islands and on the north-west coast of America

appertaining unto Russia, is subjected, because of secret and illicit traffic, to oppression and impediments, and finding that the principal cause of these difficulties is the want of Rules establishing the boundaries for navigation along these coasts, and the order of naval communication as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.

"In forwarding these Regulations to the Directing Senate, we command that the same be published for universal information, and that the proper measures be taken to carry them into execution."

(Countersigned) COUNT D. GURIEFF,
Minister of Finances.

It is therefore decreed by the Directing Senate that His Imperial Majesty's Edict be published for the information of all men, and that the same be obeyed by all whom it may concern.

(L. S.)

The original signed by the Directing Senate.
Printed at St. Petersburg, in the Senate, September 7, 1821.

DIPLOMATIC CORRESPONDECE RESPECTING THE RUSSIAN UKASE OF SEPTEMBER 4, 1821.

No. 1.

Baron Nicolay to the Marquis of Londonderry.

LONDRES, *le 31 Octobre (12 Novembre), 1821.*
(Received November 12.)

Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies, s'empresse de s'acquitter auprès de son Excellence M. le Marquis de Londonderry des ordres qu'il vient de recevoir de sa Cour en portant à la connaissance du Ministère Britannique la communication suivante.

Au moment de renouveler le privilège de la Compagnie Russe-Américaine et de soumettre à une révision les Règlemens concernant ses opérations commerciales, le Gouvernement Impérial a dû vouer une attention particulière aux plaintes auxquelles ont plus d'une fois donné lieu les entreprises de contrebandiers et d'aventuriers étrangers sur les côtes nord-ouest de l'Amérique appartenant à la Russie. Il a été reconnû que ces entreprises n'ont pas seulement pour objet un commerce frauduleux de pelleteries et autres articles exclusivement réservés à la Compagnie Russe-Américaine, mais qu'elles paroissent souvent même trahir une tendance hostile; attendû que des gens sans aveu viennent fournir des armes et des munitions aux naturels dans les possessions Russes d'Amérique, et qu'ils les excitent en quelque sorte à la résistance et à la révolte contre les autorités qui s'y trouvent établies. Il étoit donc essentiel d'opposer des mesures sévères à ces menées, et de garantir la Compagnie contre les préjudices sensibles qui en résultoient pour elle, et c'est dans cette vue que le Règlement ci-joint vient d'être publié.

Après avoir ainsi exposé les motifs qui ont dicté ce Règlement, le Soussigné a ordre d'y ajouter les explications suivantes.

Le nouveau Règlement n'interdit point aux bâtimens étrangers la navigation dans les mers qui baignent les possessions Russes sur les côtes nord-ouest de l'Amérique et nord-est de l'Asie. Une défense pareille, qu'il n'eût pas été difficile d'appuyer d'une force navale suffisante, auroit été à la vérité le moyen le plus efficace de protéger les intérêts de la Compagnie Russe-Américaine, et elle sembleroit en outre fondée sur des droits incontestables. Car, d'un côté éloigner une fois pour toutes, des plages indiquées ci-dessus, les navires étrangers, c'étoit faire cesser à jamais les entreprises coupables qu'il s'agit de prévenir. D'un autre côté, en considérant les possessions Russes qui s'étendent, tant sur la côté nord-ouest de l'Amérique, depuis le Détroit de Behring jusqu'au 51° de latitude septentrionale, que sur la côté opposée de l'Asie et les îles adjacentes, depuis le même détroit jusqu'au 45°, on ne sauroit disconvenir que l'espace de mer dont ces possessions forment les limites ne réunisse toutes les conditions que les publicistes les plus connus et les mieux accrédités ont attachées à la définition *d'une mer fermée*, et que par conséquent le Gouvernement Russe ne se trouve parfaitement autorisé à exercer sur cette mer des droits de souveraineté, et nommément celui d'interdire l'approche aux étrangers. Cependant, quelque importantes que fussent les considérations que réclamoient une semblable mesure, quelque légitime qu'elle eût été en elle-même, le Gouvernement Impérial n'a pas voulû, dans cette occasion, faire usage d'une faculté qui lui assurent les titres de possession les plus sacrés, et que confirment d'ailleurs des autorités irréfragables. Il s'est borné au contraire, comme on a lieu de s'en convaincre par le Règlement nouvellement publié, à défendre à tout batiment étranger, non seulement d'aborder dans les Établissemens de la Compagnie Américaine, comme dans la presqu'île du Kamtchatka et les côtes de la Mer d'Ochotsh, mais aussi de naviguer le long de ces possessions et en général, d'en approcher à une distance de 100 milles d'Italie.

Des vaisseaux de la marine Impériale viennent d'être expédiés pour veiller au maintien de cette disposition. Elle nous paroit aussi légale qu'elle a été urgente. Car, s'il est démontré que le Gouvernement Impérial eut eû a la rigueur la faculté de fermer entièrement aux étrangers cette partie de l'Océan Pacifique, que bordent nos possessions en Amérique et en Asie, à plus forte raison le droit en vertu duquel il vient d'adopter une mesure beaucoup moins généralement restrictive doit ne pas être révoqué en doute. Ce droit est en effet universellement admis, et toutes les Puissances Maritimes l'ont plus ou moins exercé dans leur sytème colonial. Enfin, l'usage que le Gouvernement Impérial vient d'en faire en faveur de la Compagnie Russe-Américaine, ne sauroit préjudicer aux intérêts d'aucune nation attendû qu'il n'est guère à supposer, qu'outre les exceptions spécifiées dans notre Règlement, un vaisseau étranger quelconque puisse avoir des motifs réels et légitimes pour relâcher aux Établissemens Russes. La Cour Impériale aime donc à espérer que les Puissances auxquelles ce nouveau Règlement est communiqué reconnoitront les considérations majeures qui lui ont servi de base, et que, par une suite des relations de paix et de bonne harmonie qui subsistent entre elles et la Russie, elles n'hésiteront pas à imposer à leurs sujets respectifs le devoir de s'y conformer

strictement, afin de prévenir les inconvéniens auxquels une contravention de leur part donneroit lieu nécessairement.

Les officiers, commandant les bâtimens de guerre Russes qui sont destinés à veiller dans l'Océan Pacifique au maintien des dispositions susmentionnées ont reçû l'ordre de commencer à les mettre en vigueur envers ceux des navires étrangers qui seroient sortis d'un des ports de l'Europe après le 1er Mars, 1822, ou des États-Unis après 1er Juillet. A dater de ces époques aucun navire ne pourra plus légalement prétexter l'ignorance de nouveau Règlement.

Le Soussigné saisit, &c.

(Signé) LE BARON DE NICOLAY.

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16 No. 2.

The King's advocate to the Marquis of Londonderry.

DOCTORS' COMMONS, *November 20, 1821.*
(Received November 22.)

MY LORD: I am honoured with your Lordship's commands, signified in Mr. Plantas' letter of the 15th instant, transmitting a note from the Russian Envoy, inclosing a printed copy of an Edict for regulating foreign trade with the Aleutian Islands, and other possessions on the north-west coast of America, appertaining to Russia.

And your Lordship is pleased to request that I would take the tenour of the Regulations therein contained into consideration, and report thereon for your Lordship's information.

In obedience to your Lordship's directions I have the honour to report that it appears to be the object of this communication to obtain indirectly from His Majesty's Government an acknowledgment of territorial rights which are assumed by Russia over a portion of sea that may become of great importance with reference to the trade of that part of the world, and the discoveries which are now directed to that quarter.

The communication indirectly asserts an axclusive right in the sovereignty "*d'une mer fermée*, sur l'espace de mer, dont les possessions" (from Behring's Straits to 51° north, on the west coast of America, and 45° north on the coast of Asia) "ferment les limites," and it proceeds to announce as a qualified exercise of that right the exclusion of all foreign ships, under pain of confiscation, from approaching within 100 miles of those coasts.

The extent of territory so assumed is much greater than is ordinarily recognized by the principles of the law of nations. And I humbly submit whether it may not be expedient to declare the intention of His Majesty's Government to adhere to those principles, with such observations as may be deemed expedient to deprecate any infringement on the rights of commerce and navigation that may affect Great Britain or her subjects.

I have, &c.

(Signed) CHRIST. ROBINSON.

No. 3.

Count Lieven to the Marquis of Londonderry.

(Received November 30.)

Le Comte de Lieven présente ses compliments à Milord Londonderry, et a l'honneur de transmettre ci-joint à son Excellence la copie qu'elle lui a demandée de la dépêche de M. le Comte de Nesselrode, en date du 7 Octobre, *sub* No. 29.

HARLEY STREET, LONDRES, *le 29 Novembre, 1821.*

[Inclosure 1 in No. 3.]

Count Nesselrode to Count Lieven.

Circulaire.] *Saint-Pétersbourg, le 7 Octobre, 1821.*

M. LE COMTE: Au moment de renouveler le privilège de la Compagnie Russe-Américaine, et de soumettre à une révision des Règlemens concernant ses opérations commerciales, le Gouvernement a dû vouer une attention particulière aux plaintes auxquelles ont plus d'une fois donné lieu les entreprises de contrebandiers et aventuriers étrangers sur les côtes nord-ouest de l'Amérique appartenant à la Russie.

Il a été reconnu que ces entreprises n'ont pas seulement pour objet un commerce frauduleux de pelleteries et d'autres articles exclusivement réservés à la Compagnie Russe-Américaine, mais qu'elles paroissent souvent même trahir une tendance hostile; attendû que des gens sans aveu viennent fournir des armes et des munitions aux naturels dans nos possessions d'Amérique, et qu'ils les excitent en quelque sorte à la résistance et à la révolte contre les autorités qui s'y trouvent établies.

17 Il était donc essentiel d'opposer des mesures sévères à ces menées, et de garantir la Compagnie contre les préjudices sensibles qui en résultoient pour elle; et c'est dans cette vue que le Règlement ci-joint vient d'être publié. Les Missions Impériales sont invitées à le porter à la connaissance des Gouvernements auprès desquels elles sont accrédités, et à leur exposer les motifs qui l'ont dicté en y ajoutant les explications suivantes.

Le nouveau Règlement n'interdit point aux bâtimens étrangers la navigation dans les mers qui baignent les possessions Russes sur les côtes nord-ouest de l'Amérique et nord-est de l'Asie. Une défense pareille au'il n'eût pas été difficile d'appuyer d'une force navale suffisante, auroit été, à la vérité, le moyen le plus efficace de protéger les intérêts de la Compagnie Russe-Américaine, et elle sembler. it en outre fondée sur des droits incontestables. Car, d'un côté éloigner une fois pour toutes, des plages indiquées ci-dessus, les navires étrangers, c'étoit faire cesser à jamais les enterprises coupables qu'il s'agit de prévenir. D'un autre côté, en considérant les possessions Russes qui s'étendent, tant sur la côte nord-ouest de l'Amérique, depuis le Détroit de Behring jusqu'au 51° de latitude septentrionale, que sur la côte opposée de l'Asie et les îles adjacentes, depuis le même détroit jusqu'au 45°, on ne sauroit disconvenir que l'espace de mer dont ces possessions forment les limites ne réunisse toutes les conditions que les publicistes les plus connûs et les mieux accrédtés ont attachés à la définition *d'une mer fermée*, et que par conséquent le Gouvernement Russe ne se trouve parfaitement autorisé à exercer sur cette mer des droits de souveraineté, et nommément celui d'en interdire l'approche aux étrangers. Cependant quelque importantes que fûssent les considérations que réclamoient une semblable mesure, quelque légitime qu'elle eût été en elle-même, le Gouvernement Impérial n'a pas voulu, dans cette occasion, faire usage d'une faculté que lui assurent les titres de possession les plus sacrés, et que confirment d'ailleurs des autorités irréfragables. Il s'est borné, au contraire, comme on a lieu de s'en convaincre par le Règlement nouvellement publié, à défendre à tout bâtiment étranger, not seulement d'aborder dans l'Établissement de la Compagnie Américaine, comme dans la presqu'île du Kamtchatka, et les côtes de la Mer d'Ochotsh, mais aussi de navigeur le long de ces possessions, et, en général, d'en approcher à une distance de 100 miles d'Italie.

Des vaisseaux de la marine Impériale viennent d'être expédiés pour veiller au maintien de cette disposition. Elle nous paroit aussi légale qu'elle a été urgente. Car s'il est démontré que le Gouvernement Impérial eût eu à la rigueur la faculté de fermer entièrement aux étrangers cette partie de l'Océan Pacifique, que bordent nos posses-

sions en Amérique et en Asie, à plus forte raison le droit en vertu duquel il vient d'adopter une mesure beaucoup moins généralement restrictive, droit ne pas être révoqué en doute. Ce droit est, en effet, universellement admis, et toutes les Puissances Maritimes l'ont plus ou moins exercé dans leur système colonial. Enfin, l'usage que le Gouvernement Impériale vient d'en faire en faveur de la Compagnie Russe-Américaine, ne sauroit préjudicier aux intérêts d'aucune nation, attendu qu'il n'est guère à supposer, qu'outre les exceptions spécifiées dans notre Réglement, un vaisseau étranger quelconque puisse avoir des motifs réels et légitimes pour relâcher aux Établissemens Russes. Nous aimons donc à espérer que les Puissances auxquelles ce nouveau Règlement va être communiqué reconnoitront les considérations majeures qui lui ont servi de base, et que, par une suite des relations de paix et de bonne harmonie qui subsistent entre elles et la Russie, elles n'hésiteront pas à imposer à leurs sujets respectifs le devoir de s'y conformer strictement, afin de prévenir les inconveniens auxquels une contravention de leur part donneroit lieu nécessairement.

Sa Majesté l'Empereur désire que les Missions obtiennent ce résultât en s'acquittant de la communication que leur prescrit la présente Circulaire.

Recevez, &c.

(Signé) NESSELRODE.

P. S.—En dressant les instructions pour les officiers commandant les bâtimens de guerre Russes qui sont destinés à veiller dans l'Océan Pacifique, au maintien des dispositions nouvellement arrêtées à l'égard des Établissemens de la Compagnie Russe-Américaine, le Gouvernement Impérial est parti de la supposition qu'un navire étranger qui auroit fait voile d'un des ports de l'Europe, après le 1er Mars, 1822, ou d'un des ports des États-Unis, après le 1er Juillet de la même année, ne pourroit plus légalement prétexter l'ignorance du nouveau Règlement. Nos marins ont donc reçu l'ordre de régler en conséquence leur conduite quant à l'époque à dater de laquelle ils auroient à mettre en vigueur les dispositions susmentionnées.

18

Nous croyons devoir communiquer ces notions additionnelles aux Missions Impériales, en les invitant à les porter également à la connoissance des Gouvernemens auprès desquels elles sont accréditées, afin de compléter ainsi les informations renfermées dans la Circulaire de ce jour.

N.

[Inclosure 2 in No. 3.]

Ukase, dated September 4, 1821. *See page 7.*

No. 4.

Sir C. Bagot to the Marquis of Londonderry.

No. 56.] ST. PETERSBURGH, *November 17, 1821.*
(Received November 21.)

MY LORD: In my despatch No. 50 of the 3rd October, I transmitted to your Lordship the heads of an Ukase which had been published here, respecting the commerce and navigation of the north-west coasts of America, the Aleutian and Kurile Isles, and the eastern coasts of Siberia.

Shortly after the date of that despatch I had an opportunity of speaking of this Ukase to Count Nesselrode, and he gave me to understand (as I then thought) that it would be communicated to me officially, accompanied by an explanation of its object, and the grounds upon which it had been issued.

After waiting several weeks for this communication, I found that it had been already made through the Imperial Ministers abroad to such of the European Powers as might have been supposed to be interested in the matter, and that it had been dispatched by a special messenger to the United States.

This circumstance will, I hope, explain to your Lordship satisfactorily the reasons for which I have so long delayed to write more fully to His Majesty's Government upon a subject which seems to me of some national importance.

I have not seen, nor do I know the nature of, the communication which may have been made to your Lordship by the Russian Ambassador in London, but in my conversation with Count Nesselrode upon the subject, he told me that the object of the measure was to prevent the "commerce interlope" of the citizens of the United States, who were not only in the habit of resorting to the Russian coasts and islands in the Pacific, for the purpose of interfering in their trade with China in the lucrative article of sea-otter skins, but were also in the constant practice of introducing prohibited articles, and especially gunpowder, into the Russian dominions in that quarter, that representations had been repeatedly made to the American Government upon the subject, who had professed to be unable to control their citizens in those distant seas, but had intimated that they should not take in ill-part whatever measures the Russian Government might deem it expedient to adopt for the protection of their own rights.

When I found that the Ukase had been already communicated to your Lordship I abstained from entering with Count Nesselrode into any further discussion of it, or inquiring of him upon what grounds the 51st degree of north latitude (which, after the last Treaty between Spain and the United States, reduces the possessions of Great Britain to 2° of latitude) had been now declared), I believe for the first time, to be the boundary of the Russian dominion upon those coasts, but I have adverted to the novel principle involved in that Regulation of the Decree which dooms to confiscation all foreign vessels which may approach within 100 Italian miles of the Russian coasts, and I find that this extraordinary pretension has been adopted from, and is supposed to be justified by, the XIIth Article of the Treaty of Utrecht.

I have the honour to transmit to your Lordship, under a separate cover, an English translation of the Ukase, and I at the same time inclose a Map of the north-west coasts of America, and the Aleutian and Kurile Islands, which has been published in the Quarter-Master-General's Department here, and upon which I have marked all the principal Russian Settlements.

I have, &c.

(Signed) CHARLES BAGOT.

No. 5.

Lord Stowell to Lord Melville.

GRAFTON STREET,
London, December 26, 1821.

MY DEAR LORD: I have perused these papers, and it appears to me to be unsafe to proceed to any controversial discussion of the proposed Regulations, till it is shown that they issue from a competent authority founded upon an acknowledged title of territorial and exclusive possession of the portions of the globe to which they relate. I am myself too slightly acquainted with the facts regarding such possession (how originally acquired and how subsequently enjoyed) to be enabled to say that upon undisputed principles such a possession exists. It is

perfectly clear from these Regulations that it has not hitherto been exclusive in the extent in which it is now claimed; for they are framed for the very purpose of putting an end to foreign intercourses of traffic therein, which they denominate *illicit* but which they admit existed *de facto*.

The territories claimed are of different species—islands—portions of the continent—and large portions of the sea adjoining.

I know too little of the history of their connection with either islands or continents to say with confidence that such a possession has in this case been acquired. I content myself with remarking that such possession does not appear in the opinion and practice of States to be founded exactly upon the same principles in the cases of islands and continents. In that of islands, discovery alone has usually been held sufficient to constitnte a title. Not so in the case of continents. In the case of the South American continent the Spaniards and Portuguese resorted to grants from an authority which in that age was universally respected, and continued in respect till subsequent possession had confirmed their title. But I think that it has not been generally held, and cannot be maintained that the mere discovery of a coast gives a right to the exclusive possession of a whole extensive continent to which it belongs, and less to the seas that adjoin to a very considerable extent of distance. An undisputed exercise of sovereignty over a large tract of such a continent and for a long tract of time would be requisite for such purposes. I am too ignorant of particular facts to say how far such principles are justly applicable to such cases. I observe that by these Regulations the commerce in these islands, continents, and adjoining seas is declared to have been granted exclusively to Russian subjects; who the granter is, is not expressly declared. If, as is probable, the Autocrat of Russia is meant, the inquiry then reverts to the question respecting the foundation of such an authority, and thinking that that question must be first disposed of, I content myself with observing upon the Regulations themselves that they are carried to an extent that appears very unmeasured and insupportable.

I have, &c.

(Signed) STOWELL.

No. 6.

Board of Trade to Foreign Office.

OFFICE FOR TRADE, *London, January 7, 1822.*
(Received January 7.)

DEAR SIR: The inclosed seems to contain all the information that we can expect from the persons interested in the southern whale fishery; but I will try and squeeze a little more out of them if I can.

Pray let me have the inclosed back, as it is an original, or if you will return it when you have read it, I will send you a copy to-morrow.

Mr. Robinson desired me to inform the parties that the point in question was too high matter for this Committee to do anything in its Board of Trade capacity.

I am, &c.

(Signed) THOS. LOCK.

[Inclosure in No. 6.]

Messrs. S. Enderby and Son and Mr. W. Mellish to Board of Trade.

PAUL'S WHARF, *London, November 27, 1821.*

MY LORDS: We most respectfully address your Lordships on the subject of an Ordinance or Ukase issued by the Emperor of Russia on the 9th October last. The 1st Article of that Ordinance in a sweeping way forbids all but subjects of Russia from commencing a whale fishery from Behring's Straits to 51° north latitude on the north-west coast of America as well as in the Aleutian Islands on the east coast of Siberia and Kurile Islands, that is to say, from Behring's Straits to the south Cape in the Island Ooroop in 45° 51′ north latitude. By this Article it appears that British ship-owners and merchants are forbidden from attempting to carry on any fishery or branch of industry, under penalties, to the north of 51° north latitude on the north-west coast of America, or to the north of 45° 51′ north latitude on the eastern coasts of the North Pacific Ocean.

The 2nd Article forbids all foreign vessels touching at the Russian Establishments within the above stated limits, or even to approach them within a less distance than 100 Italian miles, the cargo to be forfeited, without it can be proved that the vessel is in want of provisions or driven in by tempestuous weather.

These two leading Articles in the Ordinance we consider as a declaration of war against the commercial and fishing of British merchants if their enterprize carries their ships to the north of the limits laid down by Russia. One British ship of 500 tons employed in the whale fishery has recently been as far as 47½° north latitude on the east coast, and found *sperma cetæ* whales so plenty that great numbers of vessels will sail immediately after the 1st January if we receive the protection we earnestly solicit from our Government against this extraordinary Ordinance. Two British ships nearly about the same time that the above ship sailed for the coast of Japan sailed for the whale fishery on the north-west coast of America we believe into Behring's Straits. We are at present unacquainted with their success.

We have no doubt if we are protected in a *fair* trade (not with China) and fishery in the North Pacific Ocean, that British enterprize will find some islands in that great ocean which may have been overlooked by the Russians and Americans, who are both attempting to shut the shipping of Great Britain out of that ocean by not allowing us to have any friendly port to resort to.

If Captain Parry is successful in effecting a passage into the North Pacific Ocean, either through Behring's Straits or elsewhere, the Russian Ukase will prevent our fishing in those Straits or making any use of the discovery for commercial purposes.

Waiting your Lordships' directions for our future government, we have, &c.

(Signed) SAM ENDERBY AND SON.
WILLM. MELLISH.

No. 7.

The Marquis of Londonderry to Count Lieven.

FOREIGN OFFICE, *January 18, 1822.*

The Undersigned has the honour hereby to acknowledge the note, addressed to him by Baron de Nicolai of the 12th November last, covering a copy of an Ukase issued by His Imperial Majesty the
21 Emperor of all the Russias, and bearing date the 4th September, 1821, for various purposes, therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America, bordering upon the Pacific, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.

This document, containing Regulations of great extent and importance, both in its territorial and maritime bearings, has been considered with the utmost attention, and with those favourable sentiments which His Majesty's Government always bear toward the acts of a State which His Majesty has the satisfaction to feel himself connected, by the most intimate ties of friendship and alliance; and having been

referred for the report of those high legal authorities, whose duty it is to advise His Majesty on such matters.

The Undersigned is directed, till such friendly explanations can take place between the two Governments as may obviate misunderstanding upon so delicate and important a point, to make such provisional protest against the enactments of the said Ukase as may fully serve to save the rights of His Majesty's Crown, and may protect the persons and properties of His Majesty's subjects from molestation in the exercise of their lawful callings in that quarter of the globe.

The Undersigned is commanded to acquaint Count Lieven that it being the King's constant desire to respect, and cause to be respected by his subjects in the fullest manner, the Emperor of Russia's just rights, His Majesty will be ready to enter into amicable explanations upon the interests affected by this instrument, in such manner as may be most acceptable to His Imperial Majesty.

In the meantime, upon the subject of this Ukase generally, and especially upon the two main principles of claim laid down therein, viz., an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, His Britannic Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on those coasts, and in those seas, can be deemed to be illicit, or that the ships of friendly Powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown in these vast and very imperfectly occupied territories, could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles as therein laid down from the coast, the exclusive dominion of which is assumed (but, as His Majesty's Government conceive, in error) to belong to His Imperial Majesty the Emperor of all the Russias.

(Signed) LONDONDERRY.

No. 8.

No. 5.] *The Marquis of Londonderry to Sir C. Bagot.*

FOREIGN OFFICE, *January 19, 1822.*

SIR: With reference to your Excellency's several despatches relative to the Ukase lately issued by the Emperor of Russia under date the 4th of September last, for various purposes therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America, bordering upon the Pacific, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto, I have now the honour to inclose you a copy of a note which, by His Majesty's command, I have addressed to the Count de Lieven, the Russian Ambassador in London, upon this subject; I am to desire that in any communications which you may have with the Russian Government relative to this Ukase, you will conform yourself to the tenour of the note herewith sent.

I am, &c.

(Signed) LONDONDERRY.

No. 9.

No. 11.] *Mr. Stratford Canning to the Marquis of Londonderry.*

WASHINGTON, *February 19, 1822.*
(Received March 21.)

MY LORD: I was informed this morning by Mr. Adams that the Russian Envoy has, within the last few days, communicated
22 officially to the American Government an Ukase of the Emperor of Russia, which has lately appeared in the public prints, appropriating to the sovereignty and exclusive use of His Imperial Majesty the north-west coast of America down to the fifty-first parallel of latitude, together with a considerable portion of the opposite coasts of Asia, and the neighbouring seas to the extent of 100 Italian miles from any part of the coasts and intervening islands so appropriated. In apprising me of this circumstance, Mr. Adams gave me to understand that it was not the intention of the American Cabinet to admit the claim thus notified on the part of Russia. His objection appears to lie more particularly against the exclusion of foreign vessels to so great a distance from the shore.

The note given in by M. de Poletica is confined, I believe, to a mere communication of the Emperor's Ukase, and of the periods at which it will begin to have force, viz., from the 1st March with respect to European vessels, and from the 1st July for vessels from this country.

Mr. Adams inquired whether I had heard from your Lordship on this head, and on the supposition that a similar communication had in all probability been made by the Russian Ambassador in London, appeared desirous of learning the course which His Majesty's Government intended to adopt with reference to it. I could only reply by saying that I have not yet received any intimation from your Lordship on the subject.

I have, &c.

(Signed) STRATFORD CANNING.

No. 10.

Hudson's Bay Company to the Marquis of Londonderry.

HUDSON'S BAY HOUSE, *London, March 27, 1822.*
(Received March —.)

MY LORD: It has fallen under the observation of the Governor and Committee of the Hudson's Bay Company that the Russian Government have made a claim to the north-west coast of America, from Behring's Straits to the fifty-first degree of north latitude; and in an Imperial Ukase have prohibited foreign vessels from approaching the coast within 100 miles, under penalty of confiscation. Likewise that the American Government are claiming a very considerable extent of country bordering on the Pacific Ocean; and that a Bill is in progress in the House of Representatives for settling the Columbia and forming it into a State of the Union.

In the Report presented to the House on which this Bill is founded, the Committee state that the title of the United States to the sover-

eignty of the territory from the forty-first degree to the completion of the fifty-third degree of north latitude is unquestionable; but that, in the opinion of the Committee, the American Government have a good claim as far as 60° north latitude.

I need not remind your Lordship that a large portion of that country was discovered by British navigators, and taken possession of on behalf of Great Britain; nor of the affair of Nootka Sound, in 1789, in consequence of aggressions committed upon British subjects on that coast; but it may be necessary to state to your Lordship that the Americans had no trade with the natives until long after the British Establishments had been formed in the country to the westward of the Rocky Mountains.

In the year 1792 Sir Alexander McKenzie, then a partner in the late Northwest Company, explored from the interior the country west of the Rocky Mountains, and was the first who penetrated to the Pacific Ocean. In the preceding year Captain Vancouver had surveyed the Columbia River from the mouth to the falls, 200 miles from the sea.

For above twenty years the British fur traders have had Settlements, and the Company have an Establishment of 200 men on the Columbia River at this period, and large and valuable Establishments to the northward.

It was not till the year 1806 that the Americans explored this country, when an expedition was fitted out under Captains Lewis and Clarke, who proceeded to the head of the Mississourie, thence across the Rocky Mountains to the River Columbia, and down it to the mouth, and returned by the same route. Soon after the return of these 23 gentlemen, an American Chartered Company was established, under the name of the Pacific Fur Company, who began their operations in 1810. Ships were sent and a fort built at the mouth of the Columbia. This fort was given up to the late North-West Company in the American War, when they bought of the Pacific Fur Company their whole stock in trade, and the country was abandoned by the Americans, and they have not since had any traders in the Columbia, or to the northward.

The fort, after the Treaty of Ghent, was demanded by the American Government as included, with other fortified places in that Treaty, although it is more properly only a trading station, and it has been delivered up, but it remains unoccupied.

By a Convention in October, 1818, subsequent to the Treaty, it was agreed by the Contracting Parties that the country in question, for the purposes of trade, was to be free to the subjects of both nations for ten years.

The fur trade of Great Britain, by an Act of last Session and grant from His Majesty, is vested in the Hudson's Bay Company; I cannot, therefore, refrain from calling your Lordship's attention to this matter as of considerable importance at the present moment, and not unlikely to lead to very unpleasant occurrences at some future period, if no notice is taken of these proceedings of the Russian and American Governments, the effect of which would be to exclude British subjects from the north-west coast of America, and a valuable trade in the interior.

I have, &c.,

(Signed) J. H. PELLY, *Deputy Governor.*

No. 11

Earl Bathurst to the Duke of Wellington.

DOWNING STREET, *September 14, 1822.*

MY LORD: I have the honour to transmit, for your Grace's guidance in the execution of the commission with which His Majesty has been pleased to entrust you in consequence of the lamented death of the Marquis of Londonderry, a Memorandum which was originally drawn up by his Lordship, and, having been approved by His Majesty's confidential servant, was submitted to His Majesty's Government and received His Majesty's sanction.

I am, &c., BATHURST.

[Inclosure in No. 11.]

Memorandum.

The subject-matter upon which the allied Ministers will have to deliberate at the approaching meeting at Vienna may be classed under the following heads:

1. The Turkish question, internal and external.
2. The Spanish question, European and American.
3. The affairs of Italy.

As British points, the slave trade, the Austrian debt, and the late Russian Ukase will demand attention.

* * * * * * *

Upon the Russian Ukase the objections to its enactment, in principle, are set forth in the note addressed to Count Lieven in reply to his communication of the Ukase to the British Government. The duty of the British Plenipotentiary will be to bring the Russian Cabinet to some distinct explanation as to the mode in which the differences of opinion on this instrument may be reconciled.

No. 12.

Memorandum by the Duke of Wellington.

SEPTEMBER 11, 1822.

In the course of a conversation which I had yesterday with Count Lieven, he informed me that he had been directed to give verbal explanations of the Ukase respecting the north-west coast of America.

These explanations went, he said, to this, that the Emperor did
24 not propose to carry into execution the Ukase in its extended sense. That His Imperial Majesty's ships had been directed to cruise at the shortest possible distance from the shore in order to supply the natives with arms and ammunition, and in order to warn all vessels that that was His Imperial Majesty's dominion; and that His Imperial Majesty had besides given directions to his Minister in the United States to agree upon a Treaty of Limits with the United States.

It appears here that this explanation when given will be very little satisfactory; and that at best it is only a verbal explanation of a written and published Ukase, the terms of which, however contrary to the law of nations and protested against by us, must be the rule for our merchants and traders till we can obtain some document in writing

which will alter it. This is the sense in which I propose to act at Vienna upon this part of the instructions, and it is desirable that I should be informed whether we have any claim to territory on the north-west coast of America, and what are the opinions and reasonings of the civilians upon the question of *dominion on the sea*.

The Russian Ministers will very probably assimilate their claim of dominion as thus verbally explained to the claim which we are supposed to have of dominion in the Narrow Seas, which it was attempted to bring into discussion at the Congress at Vienna in 1815. We avoided the discussion, and explained the practice of giving and receiving salutes prevailing in the British navy in a manner satisfactory to all parties. But we never relinquished the claim of the dominion.

On the other hand, we have not recently claimed the dominion in a Proclamation, and warned others not to approach it.

SEPTEMBER 16, 1822.

Since writing the above I have again seen Count Lieven on this subject, and he has informed me that the Emperor has authorised his Minister in the United States to treat upon limits in North America with the United States. He gave me this instruction confidentially, and in order that if we had any claim to territory on the north-west coast of America we might bring it forward, so as not to be shut out by any agreement made between Russia and the United States.

It is desirable, therefore, that I should be informed upon this subject as soon as may be convenient.

No. 13.

Hudson Bay Company to Mr. George Canning.

HUDSON BAY HOUSE, *London, September 25, 1822.*
(Received Sept. —.)

SIR: I have the honour to address you, on behalf of the Hudson Bay Company, upon the subject of the claim set up by Russia to that part of the north-west coast of America which is to the north of the 51st degree north latitude.

It appears to the Directors of this Company that the claim of Russia is not well founded, and as the interests of the Company and of the British fur trade would be essentially and greatly injured, should the claims of Russia be admitted by the British Government, I feel it to be incumbent upon me, in addition to the representations which I have already made upon this subject, to state briefly the progress of the British fur trade in that part of North America, and to apprise you of the forts or trading stations situated to the north of the 51st degree north latitude, which are now occupied by the traders and servants of this Company.

In the year 1793 Sir Alexander McKenzie crossed the Rocky Mountains in 56° 30′ north latitude, and penetrated to the Pacific Ocean in latitude 52° 20′. Immediately after his return the British fur traders sent expeditions and established trading posts in the country to the westward of the Rocky Mountains. New trading stations have been gradually formed, as the country was more fully explored, and until 1821 the whole trade of an extensive district named New Caledonia,

and extending from the mouth of Fraser's River, situated about 49° north latitude to about 60° north latitude, was carried on by the British North-West Company.

The partnership of the British North-west Company being then about to expire, arrangements were made in 1821 by which the Hudson's Bay Company acquired possession of all the forts and trading stations of that Association situated in New Caledonia, as well as in other parts of British North America.

The principal forts or permanent and centrical trading stations in New Caledonia, now occupied by the traders and servants of this Company, are situated at the Rocky Mountain portage in 56° north latitude and 121° west longitude; on Stewart's Lake, in 54° 30′ north latitude and 125° west longitude; on McLeod's Lake, in 55° north latitude and 124° west longitude, and on Fraser's Lake, in 55° north latitude and about 127° west longitude, and there are several minor trading posts, the situation of which are occasionally changed according to local circumstances. By these means an extensive trade is carried on with all those Indian tribes which inhabit the country from about 60° north latitude as far south as the mouth of Fraser's River, which is in about 49° north latitude, and between the Rocky Mountains and the sea.

The British fur traders have never met with the traders of any other nation in that country, and it does not appear that any part of it has ever been occupied by the subjects of Russia or of any other foreign Power.

All the considerable rivers which fall into the Pacific Ocean in this extent of coast have not yet been sufficiently explored to ascertain whether any of them are navigable with large boats, and have safe harbours at their discharge into the sea; the furs procured in that country have therefore been brought to England down the Peace River and through the Hudson Bay Company's territories. But it is probable that, in such an extent of coast, some practical communication with the sea will be discovered which would save the extensive transport of goods and furs through the interior of America.

A direct communication by sea is found to be advantageous in the country to the south of New Caledonia situated on the various branches of the Columbia River, where this Company has extensive trading establishments extending to the head waters of that river in the Rocky Mountains, and the same advantages would be derived from a direct communication by sea with New Caledonia.

This company has trading Establishments also in Mackenzie's River, which falls into the Frozen Ocean as far north as 66° 30′ north latitude, which carry on a trade with those Indians who inhabit the country to the west of that river and to the north of 60° of north latitude, and who, from the nature of the country, can communicate more easily with Mackenzie's River than with the trading posts in New Caledonia.

I have thus given a brief outline of the British trading stations on the northwest coast of America, and I feel confident that His Majesty's Government will take the proper measures for protecting the interests of this Company and of the British fur trade in that quarter of the world.

I have, &c.

(Signed) J. H. PELLY,
Deputy Governor.

[Inclosure in No. 13.]

Memorandum.

The grounds on which the Russian Government claim the whole north-west coast of America, from Behring's Straits to the 51st degree north latitude, are detailed in a correspondence which took place at Washington in the months of February, March, and April, 1822, between the American Government and the Russian Ambassador, the Chevalier Pierre de Politica.

1. The discoveries made by the Russians during the reign of Peter the First.

It does not appear that any discoveries were made during the reign . . . . . though this Monarch formed many plans for discoveries.

The Empress Catherine, however, in conformity to her deceased husband's instructions, ordered an expedition to be fitted out in 1728, and gave the command to Vitus Behring, a Dane by birth, who ascertained the separation of the two continents as high as 67° on the coast of Asia: in the following year he made an attempt to discover the coast of America, but was unsuccessful, and from this period no attempts at discovery were made till the year 1741. (See Coxe's account of Russian discoveries).

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2. The discoveries made by Behring and Tchirikoff in 1741, during the reign of the Empress Anne, and the map published by the Imperial Academy in 1758, the result of the labours of the Academicians who accompanied the expedition, viz., Müller, Steller, Fischer, De l'Isle de la Crayere, Krasilnicoff, &c.

That Cape or Mount St. Elias was named by Behring.

Müller, who gives an account of this voyage, and who is the authority on which the Russian Government relies, states "That Behring came in sight of land in 58° 28′ north latitude, and Tchirikoff in latitude 56. That Behring did not land on the mainland . . . . . but sent a boat on shore for water on a large island."

That he named a point of land which projects into the sea Cape St. Elias, but that he never landed or took possession.

Müller further states, which Steller confirms, "That on the 21st July, leaving their anchorage place between two islands . . . on one of which a boat's crew with Steller had landed, they set sail and attempted to trace the coast to 65°, but their course was so interrupted by islands, they could proceed no further north.

From Müller's account it is doubtful whether they ever reached America; they certainly never landed on the mainland or took possession.

Steller likewise states he landed on islands but never on the mainland.

Behring died in this expedition on an island near Kamschatka, which is now called after him, and his vessel was wrecked.

Müller's account of Tchirikoff is that he made the land in 56°, that he sent ten men in a boat for water, but never returning, it is supposed they were massacred; six more were dispatched in another boat to look after their comrades who probably shared the same fate.

On the 27th July, Tchirikoff took his departure for Kamschatka, and arrived on the 9th October in Avatka Bay.

That Tchirikoff pushed his discoveries as far as 49° north.

The famous astronomer De l'Isle was with Tchirikoff, and it is not probable that the observations he took he would have made a mistake of seven degrees. (The celebrated geographer, Guillaume De l'Isle, from the papers of his brother De l'Isle de la Crayere, who was with the expedition, gives the latitude 55° 36′.)

The map alluded to was published under the direction of Müller, and which, as will be seen, places Cape St. Elias about 59°, and the coast discovered by Tchirikoff in about 56°. (This map is in the history of Kamschatka). On reference to the maps according to Cook, Vancouver, &c., it will be seen that the coast where Tchirikoff made the land in 56° consists entirely of islands, and that 49° is Nootka Sound.

Müller in his map marks the coast as without islands, proving that Tchirikoff mistook the islands for the mainland.

Tchirikoff does not appear to have again visited the north-west coast of America. (See history of Kamschatka.)

3. The discoveries by private individuals to 1743.

These discoveries were entirely in the northern archipelago so-called, named the Fox and Aleutian Islands.

The voyages from 1741 to 1778 were entirely confined to the Fox and Aleutian Islands, &c., not at all extending to the north-west coast of America.

27 4. In 1763 Russian establishments extended as far as the Island of Kodiak or Kichtak. In 1778, Cook found them at Ounalashka and some Russian inscriptions at Kodiak.

Ounalashka and Kodiak are both Islands unconnected with the north-west coast, but Captain Cook had disovered and taken possession in the name of his Britannic Majesty of the whole coast, which the Russian Government claims. Captain Cook made the coast in 49° 29′.

Vancouver saw the Russian establishment in the Bay of Kanai.

Vancouver was visited by Russians in Prince Williams's Sound, which is in upwards of 60°.

In fine Captain Meares, Portlock, La Peyrouse, unanimously attest the existence of Russian establishments in these latitutes.

Meares and Portlock saw Russians in Cook's Inlet. Captain Meares commanded the *Nootka* and Captain Portlock the *King George*. . . . ships engaged in the fur trade between Canton and the north-west coast from 1780 to 1790, but it cannot be found where Peyrouse attests their existence, though in the 234th page of the 2nd vol. of the Paris edition of his voyages, published 1798, there is the following sentence: "Jai trouvé parmi leurs bijoux des morçeaux d'ambra jaune ou de semin, mais j'ignore si c'est una production de leur pays, ou si comme le fer, ils l'ont reçu de l'ancien continent par leur communication indirecte avec les Russes."

On a reference to Coxe's Russian discoveries, it is evident that the whole of these expeditions were confined to the Fox and Aleutian Islands, and from the order in which the names are placed it would appear that M. de Poletica took his information from this work.

5. If the Imperial Government had at the time published the discoveries made by the Russian navigators after Behring and Tchirikoff, viz., Chodiloff, Serebrianicoff, Krassilnicoff, Paycoff, Poushcaroff, Lazeriff, Medwedeff, Solvnieff, Lewasheff, Krimstin, and others, no one could refuse to Russia the right of first discovery, nor could even any one deny her of first occupation.

6. That Don Joze Martinez in 1789 did not remove the Russian colonists from Nootka, and that the Spaniards acknowledged, by the report of Captain Malespina, that they had no right beyond Cape Blanc in latitude 42° 50′.

Neither Cook or Vancouver mentioned these settlers. So little did the Court of Madrid know of settlers at Nootka that in its State Paper to Mr. Fitzherbert it mentions that they were informed that Russia intended forming establishments. (See Annual Register 1790, pp. 287 to 305.)

7. That in 1799 the Emperor Paul I. granted to the present American Fur Company its first charter; he gave it the exclusive possession of the north-west coast of America, which belonged to Russia from the 55° north latitude to Behring's Straits.

He permitted them to extend their discoveries to the south, and there to form establishments, provided they did not encroach upon the territory occupied by other Powers.

This act when made public excited no claim on the part of other Cabinets, not even on the part of Madrid, which confirms that it did not extend its pretensions to the 60th degree.

The Court of Madrid had in the year 1790 claimed to latitude 61°, and quotes in a letter from the Spanish to the French Minister the 16th June, 1890, an admission of Russia to the claim of Spain to the 61° north latitude, though perhaps a little equivocal.

When, by the Treaty of Washington, the American Government acquired all the right of territory which belonged to Spain beyond 42°, no northern boundary was named, because Spain could not define her right.

8. The 51° being only the mean point between the Russian establishments of New Archangel in 57° and the American Colony which is found at the mouth of the Columbia in 46°.

See J. Q. Adams' letter in answer to 30th March, 1822.

It is not at all defined that the mouth of the Columbian belongs to America. By a Convention with the United States, January, 1819, the country to the westward of the Rocky Mountains is left common to both nations for ten years.

28 9. That in 1789 the Spanish packet *St. Charles* found in the latitude of 48 and 49 a Russian colony of 20 families, which were the descendants of the companions of Tchirikoff.

This establishment, even if authentic that they were the descendants of Tchirikoff, would be on Nootka, an island, and therefore giving no right of possession to the mainland. It is singular, if they were the descendants of Tchirikoff, that neither Krusenstern or Kotzebue mention the circumstance, and that neither Vancouver or Cook, or any traders have noticed it.

No. 14.

Mr. G. Canning to the Duke of Wellington.

No. 6.]

FOREIGN OFFICE, *September 27, 1822.*

MY LORD DUKE: Your Grace is already in possession of all that has passed both here and at St. Petersburg on the subject of the issue in September of last year, by the Emperor of Russia, of an Ukase indirectly asserting an exclusive right of sovereignty from Bering's Straits to the 51st degree of north latitude on the west coast of America,

and to the 45th degree north on the opposite coast of Asia, and (as a qualified exercise of that right) prohibiting all foreign ships, under pain of confiscation, from approaching within 100 Italian miles of those coasts.

The Ukase having been communicated by Baron Nicolai, the Russian Chargé d'Affaires at this Court, to His Majesty's Government, was forthwith submitted to the legal authorities whose duty it is to advise His Majesty on such matters; and a note was in consequence addressed by the late Marquis of Londonderry to Count Lieven, the Russian Ambassador, and also communicated to His Majesty's Ambassador at St. Petersburg, protesting against the enactments of the said Ukase, and requesting such amicable explanations as might tend to reconcile the pretentions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interest of his subjects.

As such explanations will probably be offered to your Grace during the Conferences about to take place at Vienna, I hasten to signify to you the King's commands as to the language which you will hold on the part of His Majesty upon this subject.

The opinions given in November and December last by Lord Stowell and by His Majesty's Advocate-General (copies of which are already in your possession) will furnish you with the best legal arguments in opposition to the pretensions put forward in the Russian Ukase; and as, in both these opinions, much stress is very properly laid upon the state of actual occupation of the territories claimed by Russia, and the different periods of time at which they were so occupied, I have obtained from the Governor of the principal Company of His Majesty's subjects trading in that part of the world the information which your Grace will find in the inclosed papers. That information will enable you sufficiently to prove to the Russian Ministers, not only that the point of prior discovery may be fairly disputed with Russia, but that the much more certain title of actual occupation by the agents and the trading servants of the Hudson's Bay Company extends at this moment to many degrees of higher latitude on the north-west coast of America than is claimed as the territory of Russia by the Ukase in question.

Enlightened statesmen and jurists have long held as insignificant all titles of territory that are not founded on actual occupation, and that title is in the opinion of the most esteemed writers on public law to be established only by practical use.

With respect to the other points in the Ukase which have the effect of extending the territorial rights of Russia over the adjacent seas to the unprecedented distance of 100 miles from the line of coast, and of closing a hitherto unobstructed passage, at the present moment the object of important discoveries for the promotion of general commerce and navigation, these pretenses are considered by the best legal authorities as positive innovations on the right of navigation. As such, they can receive no explanation from further discussion, nor can by possibility be justified. Common usage, which has obtained the force of law, has indeed assigned the coasts and shores an accessorial boundary to
29 a short limited distance for purposes of protection and general convenience, in no manner interfering with the rights of others, and not obstructing the freedom of general commerce and navigation.

But this important qualification the extent of the present claim entirely excludes, and when such a prohibition is, as in the present case, applied to a long line of coasts, and also to intermediate islands

in remote seas where navigation is beset with innumerable and unforeseen difficulties, and where the principal employment of the fisheries must be pursued under circumstances which are incompatible with the prescribed courses, all particular considerations concur, in an especial manner, with the general principle, in repelling such a pretension as an encroachment on the freedom of navigation and the unalienable rights of all nations.

I have, indeed, the satisfaction to believe, from a conference which I have had with Count Lieven on this matter,—that upon these two points,—the attempt to shut up the passage altogether, and the claim of exclusive dominion to so enormous a distance from the coast,—the Russian Government are prepared entirely to waive their pretensions. The only effort that has been made to justify the latter claim was by reference to an Article in the Treaty of Utrecht which assigns 30 leagues from the coast as the distance of prohibition. But to this argument it is sufficient to answer, that the assumption of such a space was, in the instance quoted, by stipulation in a Treaty, and one to which, therefore, the party to be affected by it had (whether wisely or not) given its deliberate consent. No inference could be drawn from that transaction in favour of a claim by authority against all the world.

I have little doubt, therefore, but that the public notification of the claim to consider the portions of the ocean included between the adjoining coasts of America and the Russian Empire as a *mare clausum*, and to extend the exclusive territorial jurisdiction of Russia to 100 Italian miles from the coast, will be publicly recalled, and I have the King's commands to instruct your Grace further to require of the Russian Minister (on the ground of the facts and reasonings furnished in their dispatch and its inclosures), that such a portion of territory alone shall be defined as belonging to Russia as shall not interfere with the rights and actual possessions of His Majesty's subjects in North America.

I am, &c.

(Signed) GEORGE CANNING.

No. 15.

No. 38.] *The Duke of Wellington to Mr. G. Canning.*

Verona, November 28, 1822.
(Received December 9.)

SIR: I inclose the copy of a Confidential Memorandum which I gave to Count Nesselrode on the 17th October, regarding the Russian Ukase, and the copy of his answer.

I have had one or two discussions with Count Lieven upon this paper, to which I object as not enabling His Majesty's Government to found upon it any negotiation to settle the questions arising out of the Ukase, which discussions have not got the better of these difficulties; and I inclose to you the copy of a letter which I have written to Count Lieven, explaining my objections to the Russian "Mémoire Confidentiel."

This question then stands exactly where it did. I have not been able to do anything upon it.

I have, &c.

WELLINGTON.

[Inclosure 1 in No. 15.]

Memorandum.

In the month of September, 1821, His Imperial Majesty the Emperor of Russia issued an Ukase, asserting the existence in the Crown of Russia of an exclusive right of sovereignty in the countries extending from Bering's Straits to the fifty-first degree of north latitude on the west coast of America, and to the forty-fifth degree of north latitude on the opposite coast of Asia, and as a qualified exercise of that right of sovereignty, prohibiting all foreign vessels from approaching within 100 Italian miles of those coasts.

After this Ukase had been submitted by the King's Government to those legal authorities whose duty it is to advise His Majesty on such matters, a note was addressed by the late Marquis of Londonderry to Count Lieven, the Russian Ambassador, protesting against the enactments of this Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown, and the interests of his subjects.

We object, first, to the claim of sovereignty as set forth in this Ukase; and, secondly, to the mode in which it is exercised.

The best writers on the laws of nations do not attribute the exclusive sovereignty, particularly of continents, to those who have first discovered them, and although we might, on good grounds, dispute with Russia the priority of discovery of these continents, we contend that the much more easily proved, more conclusive, and more certain title of occupation and use, ought to decide the claim of sovereignty.

Now we can prove that the English North-west Company and the Hudson's Bay Company have for many years established forts and other trading stations in a country called New Caledonia, situated to the west of a range of mountains called Rocky Mountains, and extending along the shores of the Pacific Ocean from latitude 49° to latitude 60°.

This Company likewise possess Factories and other Establishments on Mackenzie's River, which falls into the Frozen Ocean as far north as latitude 66° 30′, from whence they carry on trade with the Indians inhabiting the countries to the west of that river, and who, from the nature of the country, can communicate with Mackenzie's River with more facility than they can with the ports in New Caledonia.

Thus, in opposition to the claim founded on discovery, the priority of which, however, we conceive we might fairly dispute, we have the indisputable claim of occupancy and use for a series of years, which all the best writers on the laws of nations admit is the best founded claim to a territory of this description.

Objecting as we do to this claim of exclusive sovereignty on the part of Russia, I might save myself the trouble of discussing the particular mode of its exercise as set forth in this Ukase, but we object to the mode in which the sovereignty is proposed to be exercised under this Ukase not less than we do the claim of it.

We cannot admit the right of any Power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles.

We must object likewise to other arrangements contained in the said Ukase, conveying to private merchant-ships the right to search in time of peace, &c., which are quite contrary to the laws and usages of nations, and to the practice of modern times.

VERONA, *October 17, 1822.*

[Inclosure 2 in No. 15.]

Mémoire Confidentiel.

Le Cabinet de Russie a pris en mûre considération le Mémoire Confidentiel que M. le Duc de Wellington lui a remis le 17 Octobre dernier relativement aux mesures adoptées par Sa Majesté l'Empereur sous la date du 4 (16) Septembre, 1821, pour déterminer l'étendue des possessions Russes sur la côte nord-ouest de l'Amérique, et pour interdire aux vaisseaux étrangers l'approche de ces possessions jusqu'à la distance de 100 milles d'Italie.

Les ouvertures faites à ce sujet au Gouvernement de Sa Majesté Britannique par le Comte de Lieven au moment ou cet Ambassadeur alloit quitter Londres, doivent déjà avoir prouvé que l'opinion que le Cabinet de Saint-James avoit conçue des mesures dont il s'agit, n'étoit point fondée sur une appréciation entièrement exacte des vues de Sa Majesté Impériale.

La Russie est loin de meconnoître que l'usage et l'occupation constituent le plus solide des titres d'après lesquels un État puisse réclamer des droits de souveraineté sur une portion quelconque du continent. La Russie est plus loin encore d'avoir voulu outrepasser arbitrairement les limites que ce titre assigne à ses domaines sur la côte nord-ouest de l'Amérique, ou eriger en principe général de droit maritime les règles qu'une nécessité purement locale l'avoit obligée de poser pour la navigation étrangère dans le voisinage de la partie de cette côte qui lui appartient.

C'étoit au contraire parce qu'elle regardoit ces droits de souveraineté comme légitimes et parce que des considérations impérieuses tenant à l'existence même du commerce qu'elle fait dans les parages de la côte nord-ouest de l'Amérique, la forçoient à établir un système de précautions devenues indispensables, qu'elle a fait paroître l'Ukase du 4 (16) Septembre, 1821.

La Russie seroit toujours prête à faire part des motifs qui en justifient ses dispositions mais pour le moment elle se bornera aux observations suivantes.

M. le Duc de Wellington affirme dans son Mémoire Confidentiel du 17 Octobre que des Établissemens Anglois, appartenant à deux Compagnies: celle de la Baye de Hudson et celle du Nord-Ouest, se sont formés dans une contrée appelée le Nouvelle-Calédonie, qui s'étend le long de la côte de l'Océan Pacifique, depuis le 49° jusqu'au 60° de latitude septentrionale.

La Russie ne parlera point des Établissemens qui peuvent exister entre le 49 et 51 parallèle, mais quant aux autres, elle n'hésite pas de convenir qu'elle en ignore jusqu'à présent l'existence, pour autant au moins qu'ils toucheroient l'Océan Pacifique.

Les Cartes Angloises même les plus récentes et les plus détaillés n'indiquent absolument aucune des stations de commerce mentionnées dans le Mémoire du 17 Octobre, sur la côte même de l'Amérique, entre le 51° et 60° de latitude septentrionale.

D'ailleurs, depuis les expéditions de Bering at de Tchiricoff, c'est-à-dire, depuis près d'un siècle, des Établissemens Russes ont pris, à partir du 60°, une extension progressive, qui dès l'année 1799 les avoit fait parvenir jusqu'au 55 parallèle,
31 comme le port la première Charte de la Compagnie Russe-Américaine, Charte qui a reçu dans le tems une publicité officielle et qui n'a motivé aucune protestation de la part de l'Angleterre.

Cette même Charte accordoit à la Compagnie Russe le droit de porter ses Établissemens vers le midi au delà du 55° de latitude septentrionale, pourvu que de tels accroissemens de territoire ne pussent donner motif de réclamation à aucune Puissance étrangère.

L'Angleterre n'a pas non plus protesté contre cette disposition, elle n'a pas même réclamé contre les nouveaux Établissemens que la Compagnie Russe-Américaine a pu former au sud du 55°, en vertu de ce privilège.

La Russie étoit donc pleinement autorisée à profiter d'un consentement, qui, pour être tacite, n'en étoit pas moins solennel, et à déterminer pour bornes de ses domaines le degré de latitude, jusqu'auquel la Compagnie Russie avoit étendu ses opérations depuis 1799.

Quoiqu'il en soit et quelque force que ces circonstances prêtent aux titres de la Russie, Sa Majesté Impériale ne dévier point dans cette conjoncture du système habituel de sa politique.

Le premier de ses vœux sera toujours de prévenir toute discussion et de consolider de plus en plus les rapports d'amitié et de parfaite intelligence qu'elle se félicite d'entretenir avec la Grande-Bretagne.

En conséquence l'Empereur a chargé son Cabinet de déclarer à M. le Duc de Wellington (sans que cette déclaration puisse préjudicier en rien à ses droits, si elle n'étoit acceptée) qu'il est prêt à fixer, au moyen d'une négociation amicale et sur la base des convenances mutuelles, les degrés de latitude et de longitude que les deux Puissances regarderont comme dernières limites de leurs possessions et de leurs Établissemens sur la côte nord-ouest de l'Amérique.

Sa Majesté Impériale se plaît à croire que cette négociation pourra se terminer sans difficulté à la satisfaction réciproque des deux États, et le Cabinet de Russie peut assurer dès à présent M. Le Duc de Wellington que les mesures de précaution et de surveillance qui seront prises alors sur la partie Russe de la côte d'Amérique, se trouveront entièrement conformes aux droits dérivant de sa souveraineté, ainsi qu'aux usages établis entre nations, et qu'aucune plainte légitime ne pourra s'élever contre elles.

VÉRONA, *le 11 (23) Novembre, 1822.*

[Inclosure 2 in No. 15.—Translation.]

Confidential Memorandum.

The Russian Cabinet has seriously considered the confidential memorandum which the Duke of Wellington addressed to it on the 17th of last October in relation to the measures adopted by His Majesty the Emperor, under date of September 4 (16), 1821, to determine the extent of the Russian possessions on the north-west coast of America and to prevent foreign vessels from approaching these possessions within the distance of 100 Italian miles.

The overtures made in regard to this subject to the Government of His Britannic Majesty by Count de Lieven, at the time of the departure of that ambassador from London, must already have proved that the opinion the Court of St. James entertained of the measures under consideration was not founded upon an entirely exact understanding of the views of His Imperial Majesty.

Russia is far from failing to recognize that use and occupation constitute the best titles by which a state can lay claims to rights of sovereignty over any part of the continent. Russia is further still from having wished to arbitrarily overstep the boundaries which such title assigns to her dominions on the north-west coast of America, or to insist as a general principle of maritime law upon the regulations that a purely local necessity had obliged her to impose upon foreign navigation in the neighbourhood of the part of this coast which belongs to her.

It was, on the contrary, because she regarded these rights of sovereignty as legitimate, and because imperative considerations involving the very existence of the commerce in which she engaged along the north-west coast of America, forced her to establish a system of precautions which has become indispensable, that she issued the Ukase of September 4 (16), 1821.

Russia would always be ready to explain the motives which justify her conduct, but for the present she will confine herself to the following observations:

The Duke of Wellington states in his confidential memorandum of October 17 that some English settlements, belonging to two companies, the Hudson Bay and the North-west, have been formed in a country called New Caledonia, which extends along the coast of the Pacific Ocean from the forty-ninth degree to the sixtieth degree of north latitude.

Russia will not speak of the settlements which may exist between the forty-ninth and fifty-first parallels, but as to the others she does not hesitate to admit that she is still in ignorance of their existence, at least so far as their touching the Pacific Ocean is concerned.

Even the most recent and complete English maps do not show a single trading post mentioned in the memorandum of October 17, on the coast of America between the fifty-first and sixtieth degrees of north latitude.

Moreover, since the expeditions of Behring and Tchiricoff—that is, for nearly a century—Russian settlements have been growing so steadily from the sixtieth degree onward, that in 1799 they had reached the fifty-fifth parallel, as the first charter of the Russian American Company shows, which charter at the time received official publicity, and which has called forth no protest on the part of England.

This same charter accorded to the Russian Company the right to extend its settlements towards the south beyond the fifty-fifth degree of north latitude, provided that such increase of territory would give rise to no protest on the part of any foreign Power.

No objection was made to this provision either by England. She did not even protest against the new settlements that the Russian American Company may have established to the south of the fifty-fifth degree by reason of this privilege.

32 Russia was thus fully authorized to profit by a consent which was not less solemn because it was tacit, and to fix as the boundary of her dominions the degree of latitude to which the Russian Company had extended its operations since 1790.

However that may be, and whatever force these circumstances may lend to Russia's title, His Imperial Majesty will not deviate in the slightest decree, at this juncture, from his accustomed political system.

His most cherished wish will always be to prevent all contention, and to strengthen more and more the friendly relations and the perfect understanding which he congratulates himself on maintaining with Great Britain.

In consequence, the Emperor has directed his Cabinet to state to the Duke of Wellington (without permitting this declaration to prejudice his rights in any degree should it not be accepted) that he is ready to settle, by means of friendly negotiations and upon the basis of mutual agreement, the degrees of latitude and longitude which

the two Powers shall regard as the outside limits of their possessions and of their settlements on the north-west coast of America.

His Imperial Majesty is pleased to believe that these negotiations can be terminated without difficulty, to the mutual satisfaction of the two States, and the Russian Cabinet is authorized to assure the Duke of Wellington that the measures of precaution and supervision which will then be taken in the Russian part of the coast of America will be in entire conformity with the rights emanating from her sovereignty, as well as with international usage, and that no legitimate complaint can be brought against them.

VERONA, *November 11 (23), 1822.*

[Inclosure 3 in No. 15.]

The Duke of Wellington to Count Lieven.

VERONA, *November 28, 1822.*

M. LE COMTE: Having considered the paper which your Excellency gave me last night on the part of his Excellency Count Nesselrode on the subject of our discussions on the Russian Ukase, I must inform you that I cannot consent, on the part of my Government, to found on that paper the negotiations for the settlement of the question which has arisen between the two Governments on this subject.

We object to the Ukase on the grounds:

1. That His Imperial Majesty assumes thereby an exclusive sovereignty in North America of which we are not prepared to acknowledge the existence or the extent. Upon this point, however, the memorandum of Count Nesselrode does afford the means of negotiation, and my Government will be ready to discuss it either in London or St. Petersburg whenever the state of the discussions on the other question arising out of the Ukase will allow of the discussion.

The second ground on which we object to the Ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations.

We contend that the assumption of this Power is contrary to the law of nations, and we cannot found a negotiation upon a paper in which it is again broadly asserted. We contend that no Power whatever can exclude another from the use of the open sea. A Power can exclude itself from the navigation of a certain coast, sea, &c., by its own act or engagement, but it cannot by right be excluded by another. This we consider as the law of nations, and we cannot negotiate upon a paper in which a right is asserted inconsistent with this principle.

I think, therefore, that the best mode of proceeding would be that you should state your readiness to negotiate upon the whole subject, without restating the objectionable principle of the Ukase, which we cannot admit.

Ever yours, &c. WELLINGTON.

No. 16.

The Duke of Wellington to Mr. G. Canning.

No. 44.] VERONA, *November 29, 1822.*
(Received December 9.)

SIR: Since I wrote to you yesterday I have had another conversation with the Russian Ministers regarding the Ukase.

It is now settled that both the memorandums which I inclose to you should be considered as non avenus, and the Russian Ambassador in London is to address you a note in answer to that of the late Lord Londonderry, assuring you of the desire of the Emperor to negotiate with you upon the whole question of the Emperor's claims in North America, reserving them all if the result of the negotiation should not be satisfactory to both parties.

This note will then put this matter in a train of negotiation, which is what was wished.

I have, &c. WELLINGTON.

33 *Baron Tuyll to Count Nesselrode.*[a]

[Extract.]

LIVERPOOL, *Octobre 21* (*Novembre 2*), *1822.*

Il sera sans doute expédient de faire, à cet égard, toutes les tentatives possibles, en alléguant la nouveauté de ces derniers Établissements, la clause du Privilège des deux Compagnies réunies, posant des bornes à leur extension future, et le préjudice que la proximité de ces postes ne peut manquer de causer à l'Établissement Russe, plus ancien et connu sous le nom de Novo-Archangelsk. Mais dans la supposition que l'on ne pût réussir à étendre les frontières de la Russie beaucoup plus vers le Sud, il serait, ce semble, indispensable de les voir au moins fixées au 55e dégré de latitude Nord, ou mieux encore, *á la pointe méridionale de l'Archipel du Prince de Galles et l'Observatory Inlet*, situés à peu près sous ce parallèle. Tout voisinage plus rapproché des Établissements Anglais ne pourrait manquer d'être préjudiciable à celui de Novo-Archangelsk, qui se trouve sous les 57° 3′.

[Translation.]

It will doubtless be expedient to make all possible attempts in this direction by alleging the newness of these last establishments, the clause of the privilege [charter] of the two united Companies which sets a limit to their future extension, and the injury which the proximity of those posts cannot fail to cause the older Russian establishment, known under the name of Novo-Archangelsk. But supposing it to be impossible to succeed *in extending* the frontiers of Russia much farther toward the south, it seems that it would be indispensable to have them fixed at least at the fifty-fifth degree of north latitude, or, better still, at the southern point of the archipelago of the Prince of Wales *and the Observatory Inlet*, which are situated almost under that parallel. Any nearer neighbourhood of the English establishments could not fail to be injurious to that of Novo-Archangelsk, which is in latitude 57° 3′.

No. 18.

Count Lieven to Mr. G. Canning.

LONDRES, *le 19* (*31*) *Janvier*, *1823.*

A la suite des déclarations verbales que le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies, a faites au Ministère de Sa Majesté Britannique, le Cabinet de St. James a dû se convaincre que si des objections s'étoient élevées contre le Règlement publié au nom de Sa Majesté l'Empereur de Toutes les Russies, sous la date du 4 (16) Septembre, 1821, les mesures ultérieures adoptées par Sa Majesté Impériale ne laissent aucun doute sur

[a] This letter and the accompanying translation are taken from "Views of the United States Commissioners on the Alaska Boundary as defined by the Treaty of 1825," communicated by General Foster to the Members of the International Joint High Commission assembled at Quebec, September 27, 1898.

la pureté de ses vues et sur le désir qu'elle aura toujours de concilier ses droits et ses intérêts avec les intérêts et les droits des Puissances auxquelles l'unissent les liens d'une amitié véritable et d'une bienveillance réciproque.

Avant de quitter Vérone, le Soussigné a reçu l'ordre de donner au Gouverrement de Sa Majesté Britannique une nouvelle preuve des dispositiones connues de l'Empereur, en proposant à son Excellence Mr. Canning, Principal Secrétaire d'État de Sa Majesté Britannique pour les Affaires Étrangères (sans que cette proposition puisse porter atteinte aux droits de Se Majesté Impériale, si elle n'est pas acceptée), que de part et d'autre la question de droit strict soit provisoirement écartée, et que tous les différends auxquels a donné lieu le Règlement dont il s'agit, s'aplanissent par un arrangement amical fondé sur le seul principe des convenances mutuelles et qui seroit négocié à St. Pétersbourg.

L'Empereur se flatte que Sir Charles Bagot ne tardera point à recevoir les pouvoirs et les instructions nécessaires à cet effet et que la proposition du Soussigné achèvera de démontrer au Gouvernement de Sa Majesté Britannique combien Sa Majesté Impériale souhaite qu'aucune divergence d'opinion ne puisse subsister entre la Russie et la Grande-Bretagne, et que le plus parfait accord continue de présider à leurs relations.

Le Soussigné saisit, &c. LIEVEN.

34 *Count Lieven to Mr. G. Canning.*

[Translation.]

LONDON, *January 19 (31), 1823.*

In consequence of the verbal statements that the undersigned, Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of All the Russias, has made to the Government of His Britannic Majesty, the Court of St. James must have become convinced that had objections arisen to the regulation promulgated in the name of His Majesty the Emperor of all the Russias, under date of September 4 (16), 1821, the subsequent measures adopted by His Imperial Majesty leave no doubt as to the sincerity of his intentions and the desire which he will always have to reconcile his rights and his interests with the interests and the rights of the Powers to whom he is bound by the ties of sincere friendship and mutual goodwill.

Before leaving Verona the undersigned was ordered to present to the Government of His Britannic Majesty a new proof of the Emperor's well-known feelings by proposing to His Excellency, Mr. Canning, Principal Secretary of State for Foreign Affairs of His Britannic Majesty (without permitting this proposition to prejudice the rights of his Imperial Majesty should it not be accepted), that the question of strict right be temporarily set aside on the part of both, and that all the differences to which the regulation in question has given rise be adjusted by an amicable arrangement founded on the sole principle of mutual expediency, to be negotiated at St. Petersburg.

The Emperor is pleased to believe that Sir Charles Bagot will soon receive the powers and instructions necessary to this end, and that the proposition of the undersigned will completely demonstrate to the Government of His Britannic Majesty how much it is the wish of His

Imperial Majesty that no difference of opinion should exist between Russia and Great Britain, and that the most perfect harmony should continue to rule in their relations.

The undersigned takes, &c. LIEVEN.

No. 19.

Mr. G. Canning to Sir C. Bagot.

No. 1.] FOREIGN OFFICE, *February 5, 1823.*

Sir: With reference to my despatch No. 5, of the 31st December last, transmitting to your Excellency the copy of an instruction[a] addressed to the Duke of Wellington, as well as a despatch[b] from his Grace, dated Verona, the 29th November last, both upon the subject of the Russian Ukase of September, 1821, I have now to inclose to your Excellency the copy of a note,[c] which has been addressed to me by Count Lieven, expressing His Imperial Majesty's wish to enter into some amicable arrangement for bringing this subject to a satisfactory termination, and requesting that your Excellency may be furnished with the necessary powers to enter into negotiation for that purpose with His Imperial Majesty's Ministers at St. Petersburgh.

I avail myself of the opportunity of a Russian courier (of whose departure Count Lieven has only just apprized me) to send this note to your Excellency, and to desire that your Excellency will proceed to open the discussion with the Russian Minister upon the basis of the instruction to the Duke of Wellington.

I will not fail to transmit to your Excellency full powers for the conclusion of an agreement upon this subject by a messenger whom I will dispatch to you as soon as I shall have collected any further information which it may be expedient to furnish to your Excellency, or to found any further instruction upon, that may be necessary for your guidance in this important negotiation.

I am, &c.

(Signed) GEORGE CANNING.

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No. 20.

Mr. G. Canning to Sir C. Bagot.

No. 4.] FOREIGN OFFICE, *February 25, 1823.*

SIR: I transmit to your Excellency herewith a full power, which the King has been pleased to grant to you under the Great Seal, authorizing and empowering you to adjust the differences which have arisen in consequence of the Ukase promulgated at St. Petersburgh on the 4th September, 1821, which prohibits, under pain of confiscation, all foreign vessels from approaching within 100 Italian miles of the north-western coast of America, the Aleutian and Kurile Isles, and the eastern coasts of Siberia.

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[a] No. 8. [b] No. 10. [c] No. 12.

I have nothing further to add to the papers with which your Excellency has already been furnished on this subject, except two opinions which were laid by the King's Law Officers before His Majesty's Government on the first receipt of the Ukase in question.

I am, &c.

(Signed) GEORGE CANNING.

No. 21.

Sir C. Bagot to Mr. G. Canning.

No. 8.] ST. PETERSBURGH, *February 10 (22), 1823.*
(Received March 15.)

SIR: Count Lieven's courier arrived here yesterday afternoon, and I had this morning the honour to receive your despatch No. 1, of the 5th instant, enclosing to me a copy of his Excellency's note to you of the 31st of last month, respecting the Imperial Ukase of the 16th September, 1821.

As the post is on the point of setting out I have only time to acknowledge the receipt of this despatch, and to assure you that I shall immediately proceed to open with the Russian Ministry the discussions which you instruct me to hold upon the important subject to which it relates.

I had yesterday an interview with Count Nesselrode, when I took occasion to speak with him generally upon the state of affairs as they appear to be affected by the King of France's speech at the opening of the Chambers, but nothing passed in our conversation which it seems necessary that I should report to you, and I have not had an opportunity of seeing the Emperor since his return from Verona.

The latest intelligence received here from Constantinople is still that of the 25th of last month.

I ought to state that in the copy of the instructions given to the Duke of Wellington by your despatch No. 6 to his Grace of the 27th September last, and which was transmitted to me in your despatch No. 5 of the 31st December, the opinions of Lord Stowell and of His Majesty's Advocate-General upon the subject of this Ukase, and the other papers therein referred to, were not inclosed.

I have, &c.

(Signed) CHARLES BAGOT.

No. 24.

Ship-owners' Society to Mr. G. Canning.

NEW BROAD STREET, *June 11, 1823.*
(Received ——.)

SIR: I have been requested by the committee of this society to represent to you, sir, that considerable alarm has been excited among the owners of ships engaged in the southern whale fishery by the order lately issued by His Majesty the Emperor of Russia, "prohibiting foreign vessels to touch at the Russian establishments along the north-

west coast of America from Behring Straits to 51° north latitude, as well as in the Aleutian Islands, on the east coast of Siberia, and the Kurile Islands; that is to say, from Behring Straits to the South Cape, in the Island of Ooroop, viz., in 45° 51′ north latitude, or even to approach them within a less distance than 100 Italian miles."

36 This committee being aware of the delicacy of the subject, and that the attention of His Majesty's Government had been directed to it, have been unwilling to trouble you with any representations, but as there are now many ships fishing in those seas, and several others bound thither, and it appears that fears are generally entertained lest the seizure and confiscation of some of them should take place by the Russian authorities, upon the plea of their having been within the prohibited limits, the committee have felt it their duty, and have requested me thus most respectfully to express to you, sir, their hope that you may be enabled to communicate to them such information as will remove those apprehensions.

I have, &c.

GEORGE LYALL,
Chairman of the Committee.

CONVENTION BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST. PETERSBURGH, FEBRUARY 28/16, 1825.

[Translation.]

AU NOM DE LA TRÈS-SAINTE ET INDIVISIBLE TRINITÉ.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la côte nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, etc. Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé Actuel, Membre du Conseil de l'Empire, Secrétaire d'État dirigeant le Ministère des Affaires Étrangères, etc.; et le Sieur Pierre de Poletica, Son Conseiller d'État Actuel, etc. Lesquels Plénipotentiaires, après

IN THE NAME OF THE MOST HOLY AND UNDIVIDED TRINITY.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean as well as the limits of their respective possessions on the northwest coast of America, have named Plenipotentiaries to conclude a Convention for this purpose, that is to say:—His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Stratford Canning, a member of His said Majesty's Most Honourable Privy Council, &c., and His Majesty the Emperor of all the Russias, the Sieur Charles Robert Count de Nesselrode, His Imperial Majesty's Privy Councillor, a member of the Council of the Empire, Secretary of State for the Department of Foreign Affairs, &c., and the Sieur Pierre de Poletica, His Imperial Majesty's Coun-

s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:

Art. I. Il est convenu que, dans aucune partie du grand Océan, appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes, sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminés par les Articles qui suivent.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que, réciproquement, les sujets Russes ne pourront aborder, sans permission, à aucun établissement Britannique, sur la côte nord-ouest.

III. La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la
38 côte du Continent et les Iles de l'Amérique Nord-ouest, sera tracée ainsi qu'il suit:—

A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54° 40′ de latitude nord, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite *Portland Channel*, jusqu'au point de la terre ferme où elle atcillor of State, &c. Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:

Art. I. It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested, in any part of the Ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles.

II. In order to prevent the right of navigating and fishing, exercised upon the Ocean by the subjects of the High Contracting Parties, from becoming the pretext of an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the Governor or Commandant; and, on the other hand, that Russian subjects shall not land, without permission, at any British establishment, on the north-west coast.

III. The line of demarcation between the possessions of the High Contracting Parties, upon the coast of the continent, and the islands of America to the north-west, shall be drawn in the manner following:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel,

teint le 56° degré latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141° degré de longitude ouest (même méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141° degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l'Amérique Nord-ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent—

1. Que l'île dite *Prince of Wales* appartiendra toute entière à la Russie.

2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56° degré de latitude nord au point d'intersection du 141° degré de longitude ouest, se trouverait à la distance de plus de 10 lieues marines de l'Océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines.

V. Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédents assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux Articles précédents; et, de

as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west.

IV. With reference to the line of demarcation laid down in the preceding Article it is understood:

1st. That the island called Prince of Wales Island shall belong wholly to Russia.

2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the Ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

V. It is moreover agreed that no establishment shall be formed by either of the two Parties within the limits assigned by the two preceding Articles to the possessions of the other; consequently, British subjects shall not form any establishment either upon the coast, or upon the border of the continent comprised within the limits of the Russian possessions as designated in the two preceding Articles; and, in like manner, no establishment

même, nul établissement ne sera formé par des sujets Russes au delà des dites limites.

VI. Il est entendu que les sujets de Sa Majesté Britannique, de quelque côté qu'ils arrivent, soit de l'océan, soit de l'intérieur du continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières qui, dans leurs cours vers la Mer Pacifique, traverseront la ligne de démarcation sur la lisière de la côte indiquée dans l'Article III de la présente Convention.

VII. Il est aussi entendu que, pendant l'espace de 10 ans, à dater de la signature de cette Convention, les vaisseaux des deaux Puissances, ou ceux appartenans à leurs sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les mers intérieures, les golfes, havres, et criques sur la côte mentionnée dans l'Article III afin d'y faire la pêche et le commerce avec les indigènes.

VIII. Le port de Sitka, ou Novo Archangelsk, sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de dix ans, à dater de l'échange des ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à la Grande Bretagne.

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IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre; les Hautes Parties Contractantes s'engageant réciproquement á ne laisser ni vendre, ni livrer, de quelque manière que ce puisse être, aux indigènes du pays les articles ci-dessus mentionnés.

shall be formed by Russian subjects beyond the said limits.

VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the Ocean, or from the interior of the continent, shall forever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article III of the present Convention.

VII. It is also understood, that, for the space of 10 years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III for the purposes of fishing and of trading with the natives.

VIII. The Port of Sitka, or Nova Archangelsk, shall be open to the commerce and vessels of British subjects for the space of 10 years from the date of the exchange of the ratifications of the present Convention. In the event of an extension of this term of 10 years being granted to any other Power, the like extension shall be granted also to Great Britain.

IX. The above-mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder, or other warlike stores; the High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

X. Tout vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les ports des parties respectives, aura la liberté de s'y radouber, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront, pour lui, les mêmes que pour les bâtimens nationaux. Si, cependant, le patron d'un tel navire se trouvoit dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux ordonnances et aux tarifs de l'endroit où il aura abordé.

XI. Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autorités civiles et militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres, dans l'espace de 6 semaines, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg, $\frac{1}{2}\frac{6}{8}$ Février, de l'an de Grâce 1825.

[L.S.] STRATFORD CANNING.
[L.S.] LE COMTE DE NESSELRODE.
[L.S.] PIERRE DE POLETICA.

X. Every British or Russian vessel navigating the Pacific Ocean, which may be compelled by storms or by accident, to take shelter in the ports of the respective Parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than port and light-house dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

XI. In every case of complaint on account of an infraction of the Articles of the present Convention, the civil and military authorities of the High Contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective Courts, who engage to settle the same, in a friendly manner, and according to the principles of justice.

XII. The present Convention shall be ratified, and the ratifications shall be exchanged at London within the space of 6 weeks, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Petersburgh, the $\frac{2}{1}\frac{6}{8}$th day of February, in the year of our Lord, 1825.

[L.S.] STRATFORD CANNING.
[L.S.] COMTE DE NESSELRODE.
[L.S.] PIERRE DE POLETICA.

DIPLOMATIC CORRESPONDENCE RELATING TO THE NEGOTIATION OF THE CONVENTION OF 1825.[a]

No. 25.

Mr. S. Canning to Mr. G. Canning.

No. 47.] WASHINGTON, *May 3, 1823.* (Received June 12.)

SIR: The Russian envoy, Baron Tuyll, who arrived here about three weeks ago, has proposed to the American Government, in the name of his Court, to send instructions to Mr. Middleton, at St. Petersburgh, for the purpose of enabling him to negotiate an arrangement of the differences arising out of the claims asserted by the Emperor of Russia to an exclusive dominion over the north-west coast of America, and the neighbouring seas as far as the 51st degree of north latitude. The proposal I conceive to be similar to that which was made by Count Nesselrode to His Majesty's Plenipotentiary at Verona relative to the same object, as it affects Great Britain. The American Secretary of State, in apprising me of the communication received from Baron Tuyll, expressed a desire that I would mention it to His Majesty's Government, and stating that Mr. Middleton would in all probability be furnished with the necessary powers and instructions, suggested whether it might not be advantageous for the British and American Governments, protesting as they did against the claims of Russia, to empower their ministers at St. Petersburg to act in the proposed negotiation on a common understanding. He added that the United States had no territorial claims of their own as high as the 51st degree of latitude, although they disputed the extent of those advanced by Russia, and opposed the right of that power to exclude their citizens from trading with the native inhabitants of those regions over which the sovereignty of Russia had been for the first time asserted by the late edict of the Emperor, and most particularly the extravagant pretension to prohibit the approach of foreign vessels within 100 Italian miles of the coast.

At the same time that he submitted this overture for the consideration of His Majesty's Government, Mr. Adams informed me that he had received an account similar to that which lately appeared in the newspapers, and which has already been forwarded to your office, of an American trading vessel having been ordered away from the north-west coast by the commander of a Russian frigate stationed in that quarter. He did not appear, however, to apprehend that any unpleasant consequences were likely to result from that occurrence, as it was understood that provisional instructions of a less exceptional tenour had been dispatched from St. Petersburg in compliance with the representations of Foreign Powers.

In bringing under your notice this overture of the American Government, respecting which I cannot presume to anticipate the sentiments of His Majesty's Cabinet, I have only to add that on asking Mr. Adams whether it was his intention to enter more largely upon

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[a]The letters, memoranda, draft-projets, and translations in the within series marked with a double asterisk, are taken from "Views of the United States Commissioners on the Alaska Boundary as defined by the Treaty of 1825," communicated by General Foster to the Members of the International Joint High Commission assembled at Quebec, September 27, 1898.

the subject at present, I was informed, in reply, that it would be desirable for him previously to know in what light the British Government was disposed to view the suggestion which he had offered. He appeared to be under an impression that the instructions and powers requisite for acting separately in this affair had already been transmitted to Sir Charles Bagot.

I have, &c.

(Signed) STRATFORD CANNING.

No. 27.

Mr. G. Canning to Sir C. Bagot.

No. 12.] FOREIGN OFFICE, *July 12, 1823.*

SIR: I have the honour to inclose, for your Excellency's information, the copy of a despatch received from His Majesty's Minister in America upon the subject of the Russian Ukase relating to the north-west coast of America; also of a letter from the Ship-owners' Society upon the same subject, and of a Memorandum of my reply to that letter.

Your Excellency will observe from Mr. Stratford Canning's despatch that the Government of the United States are desirous to join with that of His Majesty in bringing forward some proposition for the definitive settlement of this question with Russia.

We have no precise information as to the views of the American Government, Mr. Rush not having yet received any instructions upon the subject. It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country is that which concerns the extravagant assumption of maritime jurisdiction. Upon this point, it being now distinctly understood that Russia waives all her pretensions to the practical exercise of the rights so unadvisedly claimed, the only question will be as to the mode and degree of disavowal with which Great Britain and the United States might be respectively satisfied.

Upon this point, therefore, such a concert as the United States are understood to desire will be peculiarly advantageous; because, supposing the disavowal made, there is no disposition on the part of His Majesty to press hard upon the feelings of the Emperor of Russia, and it would certainly be more easy for His Majesty to insist lightly on what may be considered as a point of national dignity, if he acted in this respect in concert with another Maritime Power, than to exact any less degree, either of excuse for the past or of security for the future, than that other Power might think necessary.

41 Great Britain and the United States may be satisfied jointly with smaller concessions than either Power could accept singly, if the demands of the other were likely to be higher than its own.

I therefore think it best to defer giving any precise instructions to your Excellency on this point until I shall have been informed of the views of the American Government upon it.

In the meantime, however, you will endeavour to draw from the Russian Government a proposal of their terms, as we should undoubtedly come much more conveniently to the discussion, and be much more

likely to concert an Agreement upon moderate terms with the American Government if a proposal is made to us, than to agree in originating one which would be satisfactory at once to both Governments and to Russia.

The other part of this question which relates to territorial claim and boundary is perhaps susceptible of a separate settlement; of the two principles on which the settlement could be made, viz., joint occupancy or territorial demarcation, the latter is clearly preferable. A line of demarcation drawn at the 57th degree between Russian and British settlers would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her. Your Excellency will therefore bring this suggestion forward, and acquaint me how far a formal proposition on this basis would be agreeable to His Imperial Majesty's Government. The arrangement might be made, if more agreeable to Russia, for an expirable period of ten or fifteen years.

I am, &c.

(Signed) GEORGE CANNING.

P. S.—*July 13.*—Since this despatch was written I have received from Mr. S. Canning the despatch of which I inclose a copy, by which your Excellency will learn that instructions are to be sent to Mr. Rush to enter into discussion here (among other matters) upon the subject of the Ukase. There is nothing in this communication to vary the instructions herein given to your Excellency.

G. C.

No. 28.

Count Nesselrode to Count Lieven.

[Confidentielle—Extrait.]

ST. PÉTERSBOURG, *le 26 Juin, 182*[illegible].

(Communicated Aug. 14.)

Les instructions additionnelles envoyées aux officiers de la Marine Impériale chargées de la surveillance de nos côtes dans la partie nord-ouest de l'Amérique, portent nommément:

1. Que les Commandans de nos bâtimens de guerre doivent exercer leur surveillance aussi près que possible du Continent, c'est-à-dire, sur une étendue de mer qui soit à la portée du canon de la côte; qu'ils ne doivent point étendre cette surveillance au delà des latitudes sous lesquelles la Compagnie Américaine a effectivement exercé ses droits de chasse et de pêche, tant depuis l'époque de sa création, que depuis le renouvellement de ses privilèges en 1799, et que, quant aux îles, où se trouvent des Colonies ou Établissemens de la Compagnie, elles sont toutes indistinctement comprises dans cette règle générale;

2. Que cette surveillance doit avoir pour objet de réprimer tout commerce frauduleux, et toute tentative de nuire aux intérêts de la Compagnie en troublant les parages fréquentés par ses chasseurs et ses pêcheurs, enfin, de prévenir toute enterprise dont le but serait de fournir aux naturels du pays, sans le consentement des autorités, des armes à feu, des armes blanches, ou des munitions de guerre;

3. Que dans ce qui concerne les bâtimens égarés, battus par la

tempête, ou entraînés par les courans, les Commandans des vaisseaux de la marine Impériale continueront à se conformer aux dispositions du Règlement du 4 Septembre, 1821; qu'ils s'y conformeront de même à l'égard des bâtimens qui se livreraient au commerce, aux tentatives ou enterprises ci-dessus indiquées; et que nommément, ils pourront en agir d'après les principes reçus parmi toutes les nations,

lorsqu'un vaisseau étranger, ayant à bord des marchandises
42 prohibées ou des munitions de guerre, approcherait d'un de
nos Établissemens jusqu'à la portée du canon, sans avoir égard aux interpellations et déclarations que nos officiers lui adresseraient en conformité de ce que leur a été prescrit antérieurement; enfin

4. Que ces officiers doivent s'abstenir de toute intervention dans l'exercice des fonctions locales du Directeur des Colonies, qui a reçu des instructions parfaitement analogues à celles dont ils ont été munies eux-mêmes, et qui se trouve revêtu du pouvoir d'un Commandant du Port.

Votre Excellence voudra bien observer que ces nouvelles instructions, qui, dans le fait, sont de nature à faire suspendre provisoirement l'effet de l'Oukase Impérial du 4 Septembre, 1821, n'ont été expédiées de St. Pétersbourg qu'au mois d'Août de l'année passée; que par conséquent l'officier qui se trouvait alors en croisière dans les parages en question, et le Directeur de nos Colonies, ne pourront les recevoir avant le mois de Septembre prochain, et que nommément le Capitaine Touloubieff, Commandant le sloop Russe "l'Apollon," ne pouvait en avoir connaissance à l'époque de l'incident rapporté par les journaux Américains.

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*Count Nesselrode to Count Lieven.***

[Confidential—Extract—Translation.]

ST. PETERSBURG, *June 26, 1823.*

(Communicated August 14.)

The additional instructions sent to the officers of the Imperial Navy upon whom devolves the duty of guarding our coasts in the northwestern part of America, set forth particularly:

1. That the commanders of our war vessels should keep a watch as close as possible to the continent, that is to say, sufficiently near to be within gunshot of the shore: that they should not extend this watch beyond the latitudes in which the American Company has actually exercised its rights of hunting and fishing, either from the time of its formation, or since the renewal of its privileges in 1799, and that, as to the islands where colonies or settlements of the Company have been established, they are all, without distinction, comprised in this general rule:

2. That the object of this surveillance shall be to repress all fraudulent commerce and all attempts to injure the interests of the Company by disturbing the [a] waters frequented by its hunters and fishermen; also to prevent any enterprise having in view the furnishing of firearms, side arms, or munitions of war to the natives without the consent of the authorities;

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[a] Regions?

3. That so far as stray ships, beaten by tempests or carried away by currents, are concerned, commanders of vessels of the Imperial Navy shall continue to observe the provisions of the regulation of September 4, 1821; that they shall also conform to it in the case of vessels engaged in trade, in attempts or in enterprises above indicated, and that, especially, they shall act in accordance with the principles recognised by all nations when a foreign vessel, having on board prohibited merchandise or munitions of war, approaches one of our settlements within range of the guns, without paying heed to the summons and declarations which our officers may address to her in conformity with what has been hereinbefore prescribed; finally,

4. That these officers shall refrain from all intervention in the exercise of the local functions of the director of the colonies, who has received instructions exactly similar[a] to those with which they themselves have been provided, and who is invested with the power of a commander of the port.

Your Excellency will observe that these new instructions, which are in fact of such a nature as to provisionally suspend the effect of the Imperial Ukase of September 4, 1821, were only forwarded from St. Petersburg in the month of August of last year; that, in consequence, the officer who was then cruising in the waters in question and the director of our colonies cannot receive them before next September, and that Captain Touloubieff, commanding the Russian sloop *Apollo*, particularly, could have had no knowledge of them at the time of the incident referred to by the American newspapers.[b]

43. No. .

Mr. G. Canning to Sir C. Bagot.

Private.] FOREIGN OFFICE, *July 25, 1823.*

Since my despatch No. 12 was written it has occurred to me that an "*expirable period*" to a regulation of boundaries might be liable to some objection, as keeping alive a subject of jealousy and contest. Therefore, in bringing forward the suggestion of a "line of demarcation" (as you are instructed to do) you will not yourself propose such a modification, though if proposed you may receive it for consideration. If it should be found impossible at once to agree upon the precise limits, the settlement of them might be referred to a Commission.

I have, &c.

(Signed) GEORGE CANNING.

His Excellency SIR CHAS. BAGOT.

No. 29.

Mr. G. Canning to Sir C. Bagot.

No. 17.] FOREIGN OFFICE, *August 20, 1823.*

SIR: Count Lieven called upon me some days since, and communicated to me confidentially the inclosed extract of a despatch which[c]

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[a] Completely in harmony with?

[b] This instruction was forwarded to Sir C. Bagot in Despatch No. 5 of December 31, 1822.

[c] No. 28.

his Excellency had received from Count Nesselrode upon the subject of the Russian Ukase of the 4th September, 1821.

Although it is very probable that your Excellency is already in possession of the facts stated in this paper, I think it right to transmit it to your Excellency lest it should not yet have come to your Excellency's knowledge.

I considered it expedient to make this communication known to Mr. Rush, the American Minister in this country, whose Government must naturally be deeply interested in any resolution which may be adopted by that of Russia upon this subject, apprizing Count Lieven that I had done so.

I am, &c.

(Signed) GEORGE CANNING.

No. 30.

Sir C. Bagot to Mr. Canning.

No. 36.] ST. PETERSBURGH, *August 19–31, 1823.*
(Received September 23.)

SIR: Count Nesselrode being upon the eve of setting out to join the Emperor upon his journey through the interior, and it being probable that he will not return to St. Petersburgh before the middle of November, I have thought it advisable, even in the absence of those further instructions, which you lead me to expect in your despatch No. 12 of the 12th of last month, to apprise him of the probability of Mr. Middleton and myself being soon instructed to act jointly in negotiating with him some proposition for the definitive settlement of that part at least of the question growing out of the Imperial Ukase of the $\frac{4}{16}$ September, 1821, which regards the maritime jurisdiction assumed by Russia in the North Pacific Ocean.

I have been induced to acquaint Count Nesselrode thus early with the fact, partly with the desire of ascertaining, so far as I could, the manner in which a combined measure of this kind would be viewed by the Imperial Government; and partly to ascertain whether his own absence would necessarily delay our negotiations upon this subject.

In respect to the first of these objects, I am happy in being able to state that the proposed concert of measures between His Majesty and the United States, so far from being unacceptable to Count Nesselrode, is considered by him, and principally for the same reasons which are assigned in your despatch as the most agreeable mode in which the question could be brought under discussion.

In regard to the second object, finding that Count Nesselrode received so favourably my intimation of the course which we were about to pursue, I thought that I should best learn whether the Russian Government was prepared to proceed immediately to negotiation if I suggested to him, as I did, the facilities which it would probably afford to all parties if, instead of leaving to His Majesty the perhaps difficult task of originating a proposition upon the subject, which would be at the same time satisfactory both to the United States and to Russia, the Imperial Government themselves should propose some arrangement for our consideration, which, while it might protect the legitimate com-

mercial interests of His Imperial Majesty's subjects, might also effectually save what was the great object of the negotiation—the dignity and rights both of His Majesty and the other maritime powers of the world.

Count Nesselrode received this suggestion exactly as I could have wished, and he seemed fully sensible of the delicacy shown towards the Imperial Government in proposing such a course. He said that he thought that he should probably receive His Imperial Majesty's orders to instruct M. Poletica (who, from his long residence in America, and his repeated discussions with the Government of the United States upon the subject, is supposed to be the person here who is most conversant with the whole question) to prepare, during the absence of the Emperor, such materials as may enable the Imperial Government, immediately upon the Emperor's return to St. Petersburgh, to shape some such proposition as that which I had suggested, but he did not give me any reason to suppose that M. Poletica would be authorized to conclude an arrangement, or that anything could be definitively settled until after his own return.

In the meantime the American Minister here has not yet received the instructions referred to by Mr. Stratford Canning in his letter to you of the 3rd May, a copy of which is inclosed in your despatch No. 12. I have, however, apprized him of the wish of his Government to act in concert with that of His Majesty in this business of His Majesty's readiness to accede to this wish, and of the probability of his receiving, in the course of a very short time, precise instructions upon the subject. From the few general conversations which I have had with Mr. Middleton he does not seem at all desirous of pressing hardly upon the Imperial Government, and he appears to think that, if any sufficient public disapproval of the pretensions advanced in the Ukase can be obtained, his own Government will be perfectly ready to lend themselves to whatever course may best save the feelings and the pride of Russia.

Mr. Middleton now tells me what I was not before aware of, that he had last year, by the direction of the President, several interviews with Count Nesselrode and Count Capodistrias upon the subject of this Ukase, and that it was at length agreed that he should inquire officially what were the intentions of the Imperial Government in regard to the execution of it, an assurance being previously given that the answer which he should receive would be satisfactory. Mr. Middleton has been good enough to furnish me with a copy of this answer, which I now inclose. As, however, he considers the communication of the paper as personally confidential, I take the liberty of requesting that no public use may be made of it.

In regard to the second part of this question, that which relates to the territorial claim advanced by Russia in respect to the north-west coasts of North America, I have explained to Count Nesselrode that the United States making no pretension to territory so high as the 51st degree of north latitude, the question rests between His Majesty and the Emperor of Russia alone, and becomes therefore a matter for separate settlement by their respective Governments.

I have suggested to him that this settlement may perhaps be best made by Convention, and I have declared our readiness to accede to one framed either upon the principle of joint occupancy or demarcation of boundary as the Russian Government may itself prefer, intimating,

however, that in our view the latter is by far the most convenient. Count Nesselrode immediately and without hesitation declared himself to be entirely of that opinion, and he assured me that the chief if not the only object of the Imperial Government was to be upon some certainty in this respect.

45 This conversation took place before I had received your private letter in cypher of the 25th of last month, which reached me on the 11th instant by post. I had, however, taken upon myself to abstain from bringing forward any suggestion that the territorial arrangement should be made for an expirable period, as I thought it possible that such an arrangement might, in the end, be found to be inconvenient, and as it appeared to me that it was a proposition which I should at all events reserve for a later period of the discussion, when it might, in case of difficulties, be found an useful instrument of negotiation.

In a second interview which I have had with Count Nesselrode upon the subject of this separate negotiation, I told him that our pretensions had, I believed, always extended to the fifty-ninth degree of north latitude, but that a line of demarcation drawn at the fifty-seventh degree would be entirely satisfactory to us, and that I believed that the Russian Government had in fact no Settlements to the southward of that line. I am not, however, quite sure that I am right in this last assertion, as the Russian Settlement of Sitka, to which I am told that the Russian Government pretends to attach great importance, is not laid down very precisely in the Map published in 1802 in the Quarter-master-General's Department here, or laid down at all in that of Arrowsmith, which has been furnished to me from the Foreign Office. Be this, however, as it may, Count Nesselrode did not appear to be at all startled by the proposition. He said that he was not enough acquainted with the subject to give an immediate answer to it, but he made a memorandum of what I said, and I hope shortly to be able to ascertain how far this Government may be inclined to accept a more formal proposition founded upon this basis.

I have, &c.

(Signed) CHARLES BAGOT.

P. S.—Since writing the above I have again seen Count Nesselrode, who has informed me that he has received the Emperor's commands to put M. Poletica in direct communication with Mr. Middleton and myself upon the subject of that part of the Ukase in which it is proposed that we should act conjointly whenever Mr. Middleton shall have received the instructions which he expects from his Government.

C. B.

[Inclosure in No. 30.]

Count Nesselrode to Mr. Middleton.

ST. PÉTERSBOURG, *1er Août, 1822.*

Le Soussigné, Secrétaire d'État, dirigeant le Ministère des Affaires Étrangères, s'est empressé de mettre sous les yeux de l'Empereur la note que Mr. Middleton, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis d'Amérique, lui a adressée le 27 Juillet, afin de rappeler l'attention du Ministère Impérial sur la correspondance qui a eu lieu entre l'Envoyé de Russie à Washington et le Gouvernement des États-Unis, concernant certaines clauses du Règlement émané le 4 (16) Septembre, 1821, et destiné à protéger les intérêts du commerce Russe sur la côte nord-ouest de l'Amérique Septentrionale.

Animé du désir constant de maintenir dans toute leur intégrité les relations amicales qui subsistent entre la Cour de Russie et le Gouvernement des États-Unis, l'Empereur s'est plu à prévenir les vœux que viennent de lui être témoignés. Déjà depuis un mois M. le Général-Major Baron de Tuyll, nommé au poste qu'occupoit M. de Poletica, a reçu l'ordre de poursuivre, immédiatement après son arrivée à Washington, la tâche importante que son prédécesseur auroit également remplie, si l'état de santé lui avoit permis de prolonger son séjour en Amérique.

Ne doutant pas des dispositions amicales que le Gouvernement Américain apportera aux négociations que le Général Tuyll va ouvrir; et assuré d'avance que par une suite de ces mêmes négociations les intérêts du commerce de la Compagnie Russe-Américaine seront préservés de toute lésion, l'Empereur a fait munir les vaisseaux de la marine Impériale qui font et feront la croisière sur la côte nord-ouest des instructions les plus analogues au but que les deux Gouvernemens aimeront à atteindre par des explications dirigées de part et d'autre, dans un esprit de justice, de concorde, et d'amitié.

En écartant ainsi de son côte toute chance qui auroit pu mener aux voyes de fait que le Gouvernement Américain semble appréhender de loin, Sa Majesté Impériale se plaît à espérer que le Président des États-Unis adoptera successivement des mesures que sa sagesse lui montrera comme les plus propres à rectifier toutes les erreurs accréditées par une malveillance qui cherche à dénaturer les intentions et à compromettre les rapports intimes des deux Gouvernemens.

Du moment où la marine et le commerce des États-Unis seront convaincus que l'on s'occupe respectivement des questions qui se sont élevées au sujet du Règlement du 4 (16) septembre, dans la ferme résolution de les décider d'un commun accord, sous les auspices du bon droit et d'une amitié inaltérable; dès ce moment, la surveillance dont se trouvent chargés, en vertu des nouvelles instructions, les vaisseaux de la marine Impériale, qui se rendront sur le nord-ouest d'Amérique, ne sauroit jamais motiver de fâcheuses complications.

46 C'est en se livrant à cette certitude que Mr. Middleton voudra bien sans doute partager, qu'il ne reste plus au Soussigné qu'à ajouter aux communications qu'il a euordre de faire en réponse à la note du 21 Juillet l'assurance de sa considération très distinguée.

(Signé) NESSELRODE.

[Inclosure in No. 30.—Translation.]

Count Nesselrode to Mr. Middleton.

ST. PETERSBURG, *August 1, 1823.*

The undersigned, Secretary of State, directing the Department of Foreign Affairs, hastens to lay before the Emperor the note that Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, addressed to him on the 27th of July, in order to recall to the attention of the Imperial Government the correspondence which had taken place between the Envoy of Russia at Washington and the Government of the United States, concerning certain clauses of the regulation promulgated the 4th (16th) of September, 1821, and designed to protect the interests of Russian commerce on the north-west coast of North America.

Animated by the constant desire to maintain intact the friendly relations existing between the Court of Russia and the Government of the United States, the Emperor was pleased to anticipate the wishes which have just been made known to him. A month ago Major-General Baron de Tuyll, appointed to the post formerly occupied by M. de Poletica, received the order to take up, immediately upon his arrival in Washington, the important task that his predecessor would have accomplished had the state of his health permitted him to prolong his stay in America.

Having every confidence in the friendly dispositions with which the American Government will enter into the negotiations to be inaugurated by General Tuyll, and being assured beforehand that, as a consequence of these same negotiations, the interests of the commerce of the Russian-American Company will be preserved from injury, the Emperor has directed that the vessels of the Imperial navy cruising at the present time and in the future along the north-west coast be furnished with the instructions most conducive to the end that the two Governments desire to attain by explanations conducted on both sides in a spirit of justice, of concord, and of friendship.

In thus removing, on his part, every contingency that might have led to the acts of violence which the American Government appears to apprehend in the future, His Imperial Majesty entertains the hope that the President of the United States

will adopt such measures as his wisdom may suggest to him as those best adapted to rectify all the errors arising from a malevolent spirit which seeks to misrepresent the intentions and to compromise the good understanding of the two Governments.

When the navy[a] and commerce of the United States realize that the questions which arose in regard to the regulation of the 4th (16th) of September are being considered with the firm resolve to decide them by common consent, in the light of actual right and of unalterable friendship, from that moment the serveillance with which the vessels of the Imperial navy on the north-west coast of America are charged, by virtue of the new instructions, will cease to be the cause of troublesome complications.

Entertaining this feeling of perfect security, which Mr. Middleton will doubtless share, there remains nothing to the undersigned but to add to the communications which he has been directed to make in reply to the note of July 21 the assurance of his most distinguished consideration.

NESSELRODE.

No. 31.

Sir C. Bagot to Mr. G. Canning.

ST. PETERSBURG, *October 17/29, 1823.*

No. 48, Confidential.] (Received November 17.)

SIR: Mr. Hughes, the American Charge d'Affaires at Stockholm, arrived here on the 16th instant, and has delivered to Mr. Middleton the instructions which I had already led him to expect from his Government upon the subject of the Imperial Ukase of September 4, 1821, and upon the concert of measures which the United States are desirous of establishing with Great Britain in order to obtain a disavowal of the pretensions advanced in that Ukase by this country.

As Mr. Hughes was the bearer of instructions upon the same subject to the American Minister in London, I may, I am aware, presume that Mr. Rush will have already communicated to you the view taken of this question by the United States, and I think it probable that you may have already anticipated this despatch by framing for my guidance such further instructions as, under that view, it may be thought necessary that I should receive. It may, nevertheless, be very desirable that I should lose no time in reporting to you the substance of some conversations which Mr. Middleton has held with me since
47 the arrival of Mr. Hughes, and it is principally for this purpose that I now despatch the messenger Walsh to England.

Although Mr. Middleton has not communicated to me the instructions which he has received, I have collected from him, with certainty, what I had long had reason to suspect, that the United States, so far from admitting that they have no territorial interest in the demarcation of boundary between His Majesty and the Emperor of Russia to the north of that degree are fully prepared to assert that they have at least an equal pretention with those Powers to the whole coast as high as the 61st degree, and an absolute right to be parties of any subdivision of it which may now be made.

Unless I greatly misconceive the argument of Mr. Middleton, it is contended by the American Government that, in virtue of the Treaty of Washington, by which the Floridas were ceded by Spain to the United States, the latter are become possessed of all claims, whatever

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[a] Shipping.

they might be, which Spain had to the northwest coast of America, north of the 42nd degree of north latitude, and that when Great Britain, in the year 1790, disputed the exclusive right of Spain to this coast, the Court of Russia (as, indeed, appears by the declaration of Count Florida Blanca, and as it would, perhaps, yet more clearly appear by reference to the archives of the Foreign Department here) disclaimed all intention of interfering with the pretensions of Spain, and, consequently, all pretensions to territory south of the 61st degree, and that, therefore, any division of the coast lying between the 42nd and 61st degree ought in strictness to be made between the United States and Great Britain alone.

Mr. Middleton, however, admits that the United States are not prepared to push their pretentions to this extent. He says that they are ready to acknowledge that no country has any absolute and exclusive claim to these coasts; and that it is only intended by his Government to assert that, as heirs to the claims of Spain, the United States have, in fact, the best pretentions which any of the three Powers interested can urge.

Assuming, upon these grounds, their right to a share in the division, the United States it seems, desire that, the division being made, the three Powers should enter into a joint convention mutually to grant to each other, for some limited period, renewable at the pleasure of the parties, the freedom of fishery and of trade with the natives, and whatever other advantages the coasts may afford; and Mr. Middleton has confidentially acquainted me that he has in fact received from his Government the "projet" of a tripartite convention to this effect, and he has communicated to me a copy, which I now inclose, of the full powers with which he has been furnished to negotiate such convention with the Plenipotentiaries of Great Britain and Russia.

As neither the instructions nor the powers which I have received in regard to this question were framed in contemplation of any such pretension as that which is now put forward by the American Government, I have explained to Mr. Middleton how impossible it is for me to proceed further with him in the business until I shall have received fresh instructions from you, and I have, with this knowledge, informed M. Poletica that I must, for the present, suspend the conferences (upon the territorial part of the question at least) into which he and I had already entered.

I cannot disguise from myself that, judging from the conversations which I have had, both with Count Nesselrode and M. Poletica, upon the general subject of the Ukase, these new, and, I must think, unexpected pretensions of the United States are very likely to render a satisfactory adjustment of this business a matter of more difficulty than I at first apprehended.

A full disavowal by Russia of her pretension to an exclusive maritime jurisdiction in the North Pacific Ocean will, I have no doubt, be obtained; but I am strongly inclined to believe that this Government will not easily be brought to acknowledge the justice of any claim of the United States to any part of the territory in question north of the 51st degree, and, I am still more strongly inclined to believe that division once made, this Government will never permit the United States, if they can prevent it, either to fish, settle or trade with the natives within the limits of the territory which may be allotted to Russia.

I take this opportunity of enclosing to you a copy of the note which I received from Count Nesselrode the day before he left St.
48 Petersburg, acquainting me that the Emperor had appointed M. Poletica to enter into preliminary discussion with Mr. Middleton and myself upon the different questions growing out of the Ukase.

As it appeared by this note that M. Poletica was not empowered to treat, or indeed to pledge his Government to any precise point, I have abstained from entering with him as fully into the matter as I should have done had his powers been more extensive.

I had, however, two conversations with him, previously to Mr. Middleton's receipt of his last instructions, upon the subject of territorial boundary as it regarded ourselves, and I then gave him to understand that the British Government would, I thought, be satisfied to take Cross Sound, lying about the latitude 57½°, as the boundary between the two Powers on the coast, and the meredian line drawn from the head of Lynn Canal, as it is laid down in Arrowsmith's last map, or about the 135th degree of west longitude, as the boundary in the interior of the continent.

M. Poletica not being authorized to do more than take any suggestion of this kind *ad referendum*, I am of course not yet able to inform you, as I am instructed to do by your despatch No. 12, how far a more formal proposition on this basis, or on the basis of a line drawn at the 57th degree, as suggested in that despatch, might be agreeable to the Imperial Government. M. Poletica seemed to suggest the 55th degree as that which, in his opinion, Russia would desire to obtain as her boundary; and he intimated that it would be with extreme reluctance that Russia would, he thought, consent to any demarcation which would deprive her of her Establishment at Sitka, or rather at Novo-Archangelsk.

Still, I should not altogether have despaired of inducing this Government to accept Cross Sound as the boundary; and though I am aware that in suggesting this point I put in a claim to something more than I am instructed to do in your despatch above referred to, I thought that it might be for the advantage of the negotiation if I reserved the proposition of the 57th degree to a later period of it, and, judging from the map, it appeared to me that it might be desirable to obtain, if possible, the whole group of islands extending along the coast.

But the discussion of this and all other points connected with settlement of boundary, seems necessarily to be suspended for the moment by the nature of Mr. Middleton's late instructions, and I shall not think it safe to venture further into the question until I shall have learnt the opinion of His Majesty's Government upon the pretensions advanced in those instructions by the United States.

I have, &c.

(Signed) CHARLES BAGOT.

[Inclosure 1 in No. 31.]

Full powers to Mr. Middleton.

James Monroe, President of the United States of America, to all to whom these presents may come, greeting:

Know ye that, reposing special trust and confidence in the integrity, prudence, and abilities of Henry Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of His Imperial Majesty the Emperor of all

the Russias, I have invested him with full and all manner of power, for, and in the name of the United States, to meet and confer with any person or persons furnished with like powers on the part of His said Imperial Majesty, and with him or them to negotiate and conclude a convention or conventions, treaty or treaties of and concerning the commerce and navigation of the two countries; of and concerning their respective rights and claims in respect to navigation, fishery, and commerce on the north-west coast of America and the ocean and islands thereto adjoining or appertaining; of and concerning the abolition of the African slave trade, and of and concerning the principles of maritime war and neutrality. And I do further invest him with full power also to meet and confer on the said subjects with any person or persons furnished with like powers on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland; and with the said Russian and British Plenipotentiaries jointly to conclude a treaty or treaties, convention or conventions, in relation to the respective rights and claims of the three Powers in and to the said navigation, fishery, commerce, and territorial possessions on the said north-west coast of America and adjoining ocean and islands; or in relation to the abolition of the African slave trade; or in relation to the principles of maritime war and neutrality; he, the said Henry Middleton, transmitting any and every such convention or treaty, whether concluded jointly with British and Russian, or severally with Russian, Plenipotentiaries, to the President of the United States for his ratification, by and with the advice and consent of the Senate of the United States, if the same shall be given.

49 In testimony whereof I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, the 29th day of July, A. D., 1823, and of the Independence of the United States of America the forty-eighth.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

[Inclosure 2 in No. 31.]

Count Nesselrode to Sir C. Bagot.

ST. PÉTERSBOURG, *le 23 Aout, 1823.*

M. L'AMBASSADEUR: En quittant St. Pétersbourg l'Empereur m'a chargé d'annoncer à votre Excellence que, m'ayant donné ordre de la suivre dans son voyage, elle avoit autorisé M. de Conseiller d'État Actuel de Poletica à entamer avec vous, M. l'Ambassadeur, des pourparlers relatifs aux différends qui se sont élevés entre la Russie et l'Angleterre, à la suite du nouveau Règlement donné à la Compagnie Russie-Américaine par l'Oukase de Sa Majesté Impériale en date du 4 (16) Septembre, 1821.

Ces pourparlers auront pour but de préparer les voies à l'ajustement définitif de ces différends, et je ne doute point qu'ils ne facilitent ce résultat si vivement désiré par l'Empereur.

Je saisis, &c. (Signé) NESSELRODE.

[Inclosure 2 in No. 31.—Translation.]**

Count Nesselrode to Sir C. Bagot.

ST. PETERSBURG, *August 22, 1823.*

Mr. AMBASSADOR: On leaving St. Petersburg the Emperor charged me to announce to your Excellency that, having directed me to follow him on his journey, he had authorized Active-Councillor of State de Poletica to treat with you, Mr. Ambassador, in regard to the differences which have arisen between Russia and England, in consequence of the new regulations given to the Russian American Company by the Ukase of His Imperial Majesty on the 4th (16) of September, 1821.

The object of these negotiations will be to prepare the way for the permanent adjustment of these differences, and I do not doubt that they will facilitate that result which is so earnestly desired by the Emperor.

I take advantage, &c. NESSELRODE.

No. 24.

*M. Poletica to Count Nesselrode.***

ST.-PÉTERSBOURG, *le 3 Novembre, 1823.*
(Received 7 19 Nov.)

MONSIEUR LE COMTE: Immédiatement après que V. Exc. eût quitté St.-Pétersbourg au mois d'août dernier, je m'occupais de l'exécution des ordres qui m'ont été tracés dans l'office ministériel en date du 18 du même mois.

J'ai pensé qu'avant que d'entrer en pourparlers avec l'Ambassadeur d'Angleterre et d'Envoyé Américain, il convenait de me mettre préalablement bien au fait des dispositions de notre Compagnie d'Amérique, tant à l'égard de la question concernant les limites de ses possessions sur la côte nord-ouest du continent américain, que des objets plus importans de la juridiction maritime, que l'édit du 4 septembre 1821 avait étendu jusqu'à la distance de 100 milles d'Italie des côtes de la terre ferme. Mes entretiens sur ces deux points avec M. le Conseiller privé C. de Lambert, que le Ministère des finances avait constitué organe des intérêts et des vœux de notre Compagnie Américaine, me persuadèrent que les uns seraient mis en sûreté et les autres complètement remplis, si l'on parvenait à fixer les limites des possessions de la dite Compagnie au 54° degré de latitude nord, et en leur donnant pour profondeur tel degré de longitude (méridien de Greenwich) qui dans son prolongement vers le pôle laisserait en dehors de notre limite la rivière Mackenzie.

Dans la fixation de la longitude M. le C. de Lambert avait eu principalement en vue l'établissement d'une barrière à laquelle s'arrêteraient une fois pour toutes, au nord comme à l'ouest de la côte allouée à notre Compagnie Américaine, les empiètemens des agens de la Compagnie Anglaise réunie de la baye de Hudson et du Nord-Ouest qu'une connaissance plus exacte du pays traversé par la rivière Mackenzie aurait pu facilement amener par la suite du tems dan le voisinage de nos établissemens.

50 M. le C. de Lambert ne me laissa pas ignorer en même tems que notre Compagnie Américaine n'étoit nullement disposé à faire des concessions quelconques, soit aux Américains, sous le rapport du commerce et de la navigation dans les limites de ses possessions reconnues. Qu'elle était au contraire fermement décidée à s'en réserver l'exploitation exclusive, et cette détermination de sa part mérite d'être remarquée, vû qu'elle formera, selon toutes les probabilités, la principale et même l'unique difficulté dans la négociation avec le Gouvernement des États-Unis d'Amérique.

Muni de ces données, qui complètaient les directions et les amples renseignemens qui m'ont été fournis par le Ministère Impérial, je cherchai à me mettre en rapport avec le Chevalier Bagot et M. Middleton.

L'Envoyé Américain se trouvant en ville, fut le premier que j'allai voir. Je lui fis connaître en termes généraux l'objet de ma visite, ainsi que mon vif désir de contribuer même d'une manière à l'aplanissement des difficultés qui s'étaient élevées entre les deux Gouvernemens au sujet des measures prises chez nous pour protéger les intérêts compromis de notre Compagnie Américaine.

M. Middleton me répondit, à la suite des civilités ordinaires, qu'il

regrettait beaucoup de ne pouvoir, pour le moment, se livrer à sa propre impatience, d'entrer aussitôt en matière avec moi, faute d'instructions définitives sur cet important objet, de la part de son Gouvernement, qu'il les attendait incessamment, et qu'aussitôt qu'elles lui seroient parvenues, il s'empresserait de me le faire savoir. Dans le courant de la conversation, M. Middleton me fit entendre, que lui et l'Ambassadeur d'Angleterre étaient convenus de se tenir, pour ainsi dire, par la main dans cette partie de la négociation qui aura trait à la question de la juridiction maritime.

Il était clair, d'après la réponse de l'Envoyé Américain, que toute démarche ultérieure de ma part auprès de lui serait superflue, jusqu'à l'arrivée des instructions qu'il attendait. Je pris aussi le parti de me tenir parfaitement tranquille à son égard.

Ce fut à peu près vers le même tems que je vis pour la première fois l'Ambassadeur d'Angleterre à sa campagne.

Le Chevalier Bagot me reçut avec la politesse la plus franche. Et quoiqu'il ne jugea pas à propos non plus de s'expliquer autrement qu'en termes généraux sur l'affaire que nous avions à discuter ensemble, son langage et le ton qu'il y a mis indiquaient clairement les dispositions les plus conciliantes. Il me confirma ce que M. Middleton m'avoit dit, concernant leur accord de suivre en commun la question de la juridiction maritime.

Le Chevalier Bagot remit jusqu'à son retour en ville, qui devait avoir lieu dans une quinzaine de jours, le commencement de nos pourparlers en forme. Effectivement le surlendemain de son retour en ville, l'Ambassadeur d'Angleterre vint me rendre sa visite, qui se passa en pures civilités; cependant il m'insinua que les nouvelles instructions de M. Middleton n'étant point encore arrivées, il serait convenable d'attendre encore quelque tems.

Quelques jours après j'eus l'honneur de dîner chez l'Ambassadeur Britannique. Au sortir de table il me prit à l'écart pour me dire, qu'en attendant les instructions que M. Middleton n'avoit encore reçues, rien ne nous empêchait d'aborder la question territoriale à laquelle les Américains étaient en quelque façon étrangers. Il me proposait en conséquence de passer chez moi, un jour qui seroit à notre convenance mutuelle.

Toutes mes instances pour engager le Chevalier Bagot à me recevoir chez lui ont été inutiles.

Au jour convenu, le 2 octobre dernier, Sir Charles Bagot vint me trouver vers midi. Il débuta par me demander si, dans le cas qu'il me communiquerait une proposition spécifique quelconque relative à la question territoriale, j'étais autorisé à lui déclarer, que cette proposition serait agréable ou non au Gouvernement Impérial. Je répondis aussitôt à l'Ambassadeur Britannique, que mes instructions ne me permettaient aucune déclaration positive à cet égard; qu'elles se bornaient uniquement à me permettre de discuter confidentiellement soit avec lui, soit avec M. Middleton, l'affaire dont il s'agit, de leur fournir toutes les explications que cette discussion pourrait me suggérer; et cela dans la vue de faciliter la négociation directe et formelle lorsqu'elle viendrait à être établie après le retour de S. M. I.; que ces pourparlers préliminaires, que j'avais été autorisé à entamer avec lui et
51 M. Middleton, avaient paru au Gouvernement Impérial un moyen convenable d'accélérer la negociation directe et d'abréger les discussions subséquentes et les écritures, en tant qu'ils serviroient à faire connaître d'avance les vues générales des Gouvernemens respec-

tifs sur l'affaire qu'il s'agissait d'arranger; qu'il s'en suivait par conséquent que je ne pouvais accueillir autrement toute proposition qui serait autrement toute qu'en la prenant *ad referendum*.

Ce point explique, le Chevalier Bagot m'interpela de lui faire connaître quel seroit, dans la pensée du Gouvernement Impérial, la ligne de séparation entre nos possessions sur la côte nord-ouest de l'Amérique et celles que l'Angleterre se croyait en droit de revendiquer. Je crus qu'il convenait mieux d'aborder franchement la question. Laissant donc le côté les circonlocutions, que le Gouvernement Impérial croirait avoir satisfait à toutes les concessions, que réclamait sa modération et son vif désir de maintenir la bonne intelligence avec toutes les puissances étrangères, en fixant la limite entre les possessions Russes et Anglaises au 54° degré de latitude et en donnant pour longitude telle ligne, qui, dans son prolongement en ligne droite vers le pôle, laisseroit la rivière Mackenzie en dehors de la frontière russe.

Le Chevalier Bagot me repondit, après avoir réfléchi un moment, que le point de démarcation, que je venois de lui indiquer, étoit bien loin de celui que son Gouvernement auroit voulu fixer. Il me dit ensuite, que d'après toutes les recherches qui ont été faites en Angleterre et les opinions exprimées par les hommes de loi les plus experts, les droits de la Russie à la possession de la côte nord-ouest de l'Amérique, au-dessous du 60° de latitude, n'étoient rien moins que bien établis; que le seul titre légitime de toute possession territoriale étoit, d'après l'avis des publicistes anglois et leurs hommes de loi qu'on a consultés, non la première découverte ou même la prise de possession selon les anciennes formalités usitées par les navigateurs, mais l'occupation pratique des territoires nouvellement découverts; que cette preuve de droit manquoit aux titres produits jusqu'à présent par la Russie, à l'exception de l'établissement de Novo-Archangelsk, qui ne date toutefois que depuis l'année 1802 ou 1803. A l'appui de ce qu'il venoit de me dire, le Chevalier Bagot me lut une opinion de l'avocat du Roi à Londres, conçue dans le sens qu'il avoit énoncé; et pour me démontrer que les prétentions de la Russie à la possession des points au-dessous du 60° de latitude sur la dite côte étoient d'une origine très récente, l'Ambassadeur Britannique me fit la lecture de quelques pièces de la correspondance (qui eut lieu en 1790) entre le Comte de Florida Blanca et M. Fitzherbert, depuis Lord St. Helen's, lors du différend qui s'étoit élevé entre l'Espagne et l'Angleterre au sujet de Nootka Sound (voyez l'Annual Register de l'année 1790, pages 292–301). Cette correspondance, disait M. Bagot, contenoit d'après les assertions de la Cour de Madrid, une reconnoissance explicite, de la part de la Russie, des droits de l'Espagne à la possession de la côte nord-ouest d l'Amérique depuis la pointe de la Californie de l'Espagne, jusqu'au 61° de latitude, inclusivement.

Au milieu de ce raisonnement, l'Ambassadeur Britannique suspendit brusquement la discussion, pour me dire, que son Gouvernement n'avoit, après tout, nulle intention de traiter la question territoriale d'après les principes abstraits du droit public et celui des gens; que ce seroit le moyen de rendre la discussion interminable; que le Cabinet de Londres attendoit un résultat plus satisfaisant pour les deux parties intéressées d'un arrangement à l'amiable qui ne seroit basé que sur la convenance réciproque, et que c'étoit dans cet esprit que ses instructions avoient été tracées.

Je repondis à Sir Charles Bagot, que dans la question dont il s'agit

autant que je pouvois préjuger des dispositions du Gouvernement Impérial, je croyois pouvoir prendre hardiment sur moi de l'assurer, qu'elles s'accordoient parfaitement avec celles du Cabinet de Londres. Je le priai ensuite de me faire connoître le point de démarcation, que son Gouvernement jugeoit devoir séparer les possessions respectives sur la côte nord ouest l'Amérique.

Le Chevalier Bagot se mettant alors à la carte géographique que nous avions sous les yeux, traça dessus, avec son doigt, une ligne qui commençoit au 57° de latitude et dont l'intersection désignait le 135° de longitude, méridien de Greenwich, précisément au point, où doit se trouver notre établissement de Novo-Archangelsk.

Cette démarcation laisseroit à coup sûr un espace considérable entre
les points de limites indiqués de part et d'autre lors même que
52 le Gouvernement Impérial se décideroit, dans l'intérêt de la conciliation à faire remonter la ligne démarcation au 55° de latitude, telle qu'elle avoit été déjà désignée dans l'acte d'incorporation accordé à notre Compagnie Américaine en 1799 par l'Auguste Prédécesseur de S. M. I.

Je crus devoir répondre au Chevalier Bagot, qu'il avoit bien raison de trouver que nous étions l'un et l'autre loin de notre compte; que pour ma part, j'en étais d'autant plus peiné, que je n'entrevoyois aucune considération qui dût engager le Gouvernement Impérial à reculer les limites de ses possessions sur la côte Nord-Ouest de l'Amérique, de deux degrés au delà même du point indiqué dans la Charte de l'Empereur Paul I. dont il vient d'être question.

Je lui fis observer, que si l'édit du 4 Septembre 1821, avoit pû blesser les intérêts coloniaux et maritimes de quelques Puissances étrangères, on s'est empressé chez nous, aux premières réclamations qu'elles nous ont fait parvenir, de suspendre les dispositions de cet édit, et spécialement celles qui donnoient le plus de prise à ces réclamations; que dans les explications subséquentes, le Gouvernement Impérial a constamment manifesté les intentions les plus conciliantes; qu'il étoit disposé à faire toutes les concessions réclamées par la justice, et dans la question des limites territoriales et dans celle relative à la juridiction maritime. Mais qu'il auroit naturellement beaucoup de répugnance à se dessaisir d'une limite établie par la Charte de Paul I. et sanctionnée en quelque façon par une possession non contestée d'environ un quart de siècle.

La dite Charte n'ayant point été officiellement communiquée dans le tems aux puissances étrangères je ne m'obstinerai point à soutenir (disais-je) qu'elle constituât un droit parfait. Mais qu'il n'étoit pas moins vrai, que les puissances étrangères ne pouvoient ignorer l'existence de cette Charte, et que depuis l'époque de sa publication en Russie, jusqu'à celle de l'édit du 4 Septembre, elle n'a donné lieu à aucune réclamation de leur part.

Je demandois en suite au Chevalier Bagot, s'il ne reconnoissait pas lui-même que ce seroit vouloir imposer un sacrifice trop sensible à la dignité du Gouvernement Impérial que de prétendre qu'il dise aujourd'hui à ses propres sujets: Nous vous avons laissés croire depuis 22 ans que les limites de nos possessions sur la côte N. O. de l'Amérique s'étendoient depuis le détroit de Behring jusqu'au 55° de latitude; eh bien, nous vous disons maintenant que c'étoit une erreur et que la limite méridionale doit s'arrêter au 57°, parce qu'on vient de nous démontrer que le territoire que dépasse cette limite ne nous a jamais appartenu.

Finalement je priai le Chevalier Bagot d'observer, que dans toute cette affaire il ne pouvoit être question, pour la Russie, que de concessions; qu'en replaçant les limites de ses possessions sur le continent d'Amérique au 55° (si toutefois le Gouvernement Impérial s'y déterminoit, ce que je ne pouvois prendre sur moi de pressentir) et en modifiant simultanément son principe de juridiction maritime, la Russie satisfaisoit non seulement aux désirs raisonables de tous les gens modérés en Angleterre, mais qu'elle fermeroit aussi la bouche aux déclamateurs exagérés du parti de l'opposition, qui ne cessent d'entretenir le public, soit dans les nouvelles du jour, soit dans les séances du Parlement, de ce qu'ils appellent l'ambition démesurée de la Russie.

Car il seroit alors indubitable que les résultats matériels et moraux de la négociation seroient tous à l'avantage de l'Angleterre.

L'Ambassadeur d'Angleterre parut sentir le poids de ces considérations et ne fit même aucune difficulté d'avouer qu'il les trouvoit plausibles. Il me répondit toutefois, que ses instructions ne l'autorisent point à admettre aucune autre ligne de démarcation et qu'il ne lui restoit par conséquent d'autre parti à prendre que de s'en remettre aux avis ultérieurs de la part de son Gouvernement.

En nous séparant, après un entretien de 2 heures et demie, nous nous sommes réciproquement invités à réfléchir sur les objets de notre discussion. J'ajoutai en définitif, que bien que nous fussions loin d'être d'accord sur la question territoriale, je la croyois néanmoins avancée et susceptible d'un développement facile et prompt, ne fut ce que par la franchise, que nous avons mis, tous deux, dans la manière, dont nous l'avions énoncée et que cette initiative ne pouvait être que de bon augure.

Dans le compte que je viens de rendre à V. Exc. de mon premier entretien avec l'Ambassadeur d'Angleterre, je me suis particulièrement attaché à consigner, avec une scrupuleuse exactitude, tout ce
53 qui s'est dit entre nous, concernant la question territoriale, que le crois devoir envisager comme le point le plus important de la négociation.

Des considérations d'une importance secondaire, mais que je ne puis passer sous silence, ont été incidentellement mentionnées durant la discussion. C'est ainsi qu'après m'avoir fait part du projet de démarcacion conçu par son Gouvernement, le Chev. Bagot est convenu sans hésiter, que les limites entre les possessions respectives une fois établies, nous serions parfaitement les maîtres d'introduire, dans le territoire qui nous sera dévolu, tels règlemens administratifs que notre propre sagesse nous aura suggérés. C'est à dire qu'il nous sera parfaitement libre d'admettre dans nos parages la navigation étrangère, ou bien de nous en réserver exclusivement l'exploitation.

L'Ambassadeur d'Angleterre me déclara de plus, qu'à cet égard son Gouvernement ne songeait à se ménager aucune exception en faveur des sujets britanniques.

Tout en m'expliquant les motifs qui ont engagé le Gouvernement britannique à faire, pour ainsi dire, cause commune avec les Américains, dans la question de la juridiction maritime, motifs que le Chev. Bagot dit avoir communiqués à V. Exc. il convenait avec moi de la manière la plus explicite que la question territoriale ne regardait nullement les Américains. Mais it pensait comme moi, que ces derniers chercheront à obtenir de nous la reconnoissance de ce qu'ils prétendent être un ancien droit à eux appartenant, non seulement de naviguer

librement dans nos parages, mais aussi de trafiquer avec les naturels du pays.

Lorsque j'observai au Chevalier Bagot que sa ligne de démarcation nous enlevait, ou la totalité, ou la meilleure moitié de l'isle de St. Georges autrement Sitka (sauf erreur) il me parla d'un dédommagement pécuniaire pour les pertes que nous pourrions y essuyer. Je n'ai pas crû devoir me permettre ni d'encourager, ni de rejeter cette insinuation; je la passai donc sous silence.

Le surlendemain de cette entrevue, Sir Charles Bagot est revenu chez moi dans la matinée, pour me dire que l'objet de sa visite était uniquement de rectifier une erreur involontaire qu'il avoit commise en parlant du 137° tandis qu'il entendait le 135°.

[Translation.]

*M. Poletica to Count Nesselrode.***

ST. PETERSBURG, *November 3, 1823.*
(Received 7 | 19 Nov.)

COUNT: Immediately after your Excellency left St. Petersburg, in the month of August last, I proceeded to the execution of the orders which were given me in the Department on the 18th of the same month.

I thought that before entering into negotiations with the English Ambassador and the American Envoy, it would be well for me to be thoroughly informed as to the views of our American Company, both with regard to the question concerning the boundaries of its possessions on the north-west coast of the American continent, and the more important subject of the maritime jurisdiction, which the Edict of September 4, 1821, had extended to the distance of 100 Italian miles from the coasts of the mainland. My conversations on these two points with Privy Councillor Count de Lambert, whom the Ministry of Finance had appointed to represent the interests and the wishes of our American Company, convinced me that the interests would be protected and the wishes entirely satisfied if we succeeded in fixing the boundaries of the possessions of the said Company at the fifty-fourth degree of north latitude, and by giving them in depth such a degree of longitude (meridian of Greenwich) as, in its prolongation toward the pole, would leave the Mackenzie River outside of our boundary.

In fixing the longitude, Count de Lambert had mainly in view the establishment of a barrier at which would be stopped, once for all, to the north as to the west of the coast allotted to our American Company, the encroachments of the English agents of the amalgamated Hudson Bay and North-west English Company, whom a more intimate acquaintance with the country traversed by the Mackenzie River might easily bring in the course of time into the neighbourhood of our establishments.

54 At the same time, Count de Lambert did not leave me in ignorance of the fact that our American Company was not in the least disposed to make any concessions whatever, either to the English or Americans, with respect to commerce or navigation within the borders of its acknowledged possessions; that it was, on the contrary, firmly

resolved to reserve their exclusive exploitation for itself; and this determination on its part is worthy of notice, as in all probability it will constitute the chief and even the only difficulty in the negotiations with the Government of the United States of America.

Furnished with these data, which supplemented the directions and the ample information given me by the Imperial Ministry, I proceeded to place myself in communication with the Chevalier Bagot and Mr. Middleton.

As the American Envoy was in the city, I went to see him first. I informed him in general terms of the object of my visit, and expressed my warm desire to contribute, even indirectly, to the removal of the differences which had arisen between the two Governments on the subject of the measures taken by us to protect the threatened interests of our American Company.

Mr. Middleton replied, after the usual courtesies, that he greatly regretted that he could not, at that time, indulge his own impatience to enter upon the subject with me at once, as he had no positive instructions from his Government on this important point; that he was expecting them daily, and that as soon as they reached him he would hasten to notify me. In the course of the conversation Mr. Middleton gave me to understand that he and the English Ambassador had agreed to go hand in hand, so to speak, in that part of the negotiations relating to the maritime jurisdiction.

It was evident from the American Envoy's reply that any further steps on my part near him would be useless until the arrival of the instructions which he was expecting. I therefore decided to remain perfectly quiet so far as he was concerned.

At about the same time I first saw the English Ambassador at his country house.

Chevalier Bagot received me with the most open courtesy, and, although he also did not think proper to express himself otherwise than in general terms upon the matter which we were to discuss together, his language and the tone which he used clearly indicated the most conciliatory sentiments. He corroborated what Mr. Middleton had told me concerning their agreement to act in concert on the question of the maritime jurisdiction.

Chevalier Bagot postponed the commencement of our negotiations in regular form until his return to the city, which would be within a fortnight. Accordingly, two days after his return to the city, the English Ambassador paid me a visit, which passed in mere civilities, but he intimated that as Mr. Middleton's new instructions had not yet arrived it would be proper to wait some time longer. Some days afterwards I had the honour to dine at the British Ambassador's. Upon leaving the table, he took me aside to tell me that, while awaiting the instructions which Mr. Middleton had not yet received, there was nothing to prevent our discussing the territorial question, to which the Americans were, in a measure, strangers. He therefore proposed to me that he should go to my house on some day that would suit us both. All my efforts to induce the Chevalier Bagot to receive me at his house were in vain.

On the day fixed, the 2nd October last, Sir Charles Bagot called on me about noon. He began by asking me whether, in the event that he communicated to me any specific proposition whatever relative to the territorial question, I was authorised to tell him whether that

proposition would or would not be acceptable to the Imperial Government. I immediately replied to the British Ambassador that my instructions did not permit me to make any positive declaration on the subject; that they were simply confined to permitting me to discuss the matter in question confidentially either with him or with Mr. Middleton, to furnish them with all the explanations that the discussion might suggest to me; and this with a view to facilitating the direct and formal negotiations, when they should come to be instituted after the return of His Imperial Majesty; that these preliminary discussions, which I had been authorized to begin with him and Mr. Middleton, had appeared to the Imperial Government to be a suitable means of hastening the direct negotiations and of shortening the subsequent discussions and the writings, in so far as they would make known beforehand the general views of the respective Governments as to the matter which was to be settled; that it followed, consequently, that I could not entertain any proposition otherwise than by taking it *ad referendum*.

This point having been explained, Chevalier Bagot requested me to inform him what, in the opinion of the Imperial Government, should be the line of separation between our possessions on the north-west coast of America and those which England thought herself entitled to claim. I thought that it would be better to meet the question frankly. Consequently, avoiding circumlocutions [I said], that the Imperial Government would think that it had made all the concessions required by its moderation and its earnest desire to maintain a good understanding with all foreign Powers by fixing the boundary between the Russian and English possessions at the fifty-fourth degree of latitude, and by giving for the longitude such a line as in its prolongation in a straight line toward the pole would leave the Mackenzie River outside of the Russian frontier.

Chevalier Bagot, after a moment's reflection, replied that the point of demarcation which I had just designated was very far from being that which his Government would have wished to fix. He then told me that, according to all the researches which had been made in England, and the opinions expressed by the most learned lawyers, the right of Russia to the possession of the north-west coast of America below the sixtieth degree of latitude was anything but well established; that the only legitimate title to any territorial possession was, according to the opinion of the English publicists and that of the lawyers who had been consulted, not the first discovery, nor even the taking possession in accordance with the ancient formalities used by navigators, but the actual occupation of the newly discovered territories; that this proof of the right was wanting in the evidence produced up to the present time by Russia, with the exception of the establishment of Novo-Archangelsk, which, however, only dates from the year 1802 or 1803. In support of what he had just told me, Chevalier Bagot read me an opinion of the King's Counsel, in London, drawn up in the sense which he had stated; and to prove to me that the claims of Russia to the possession of the points below the sixtieth degree of latitude on the said coast were of very recent origin, the British Ambassador read to me some portions of the correspondence (which occurred in 1790) between Count Florida Blanca and Mr. Fitzherbert, afterwards Lord St. Helens, at the time of the difference which had arisen between Spain and England with regard to Nootka Sound (see the Annual Register for

1790, pp. 292—301). This correspondence, said Mr. Bagot, contained, according to the assertions of the Court of Madrid, an explicit recognition on the part of Russia of the right of Spain to the possession of the north-west coast of America, from the point of California, belonging to Spain, to the sixty-first degree of latitude, inclusive.

In the midst of this argument the British Ambassador suddenly suspended the discussion in order to tell me that his Government had, after all, no intention of discussing the territorial question according to the abstract principles of public law or of international law; that that would have the effect of rendering the discussion interminable; that the Cabinet of London expected a more satisfactory result for the two parties interested, from an amicable arrangement which would be based only upon mutual consent, and that his instructions had been drawn up in that spirit.

I replied to Sir Charles Bagot that in the matter in question, so far as I could foresee the views of the Imperial Government, I believed that I could take upon myself boldly to assure him that they were in perfect agreement with those of the Cabinet of London. I then asked him to tell me the point of demarcation, which, in the opinion of his Government, ought to divide the respective possessions on the north-west coast of America.

Chevalier Bagot then placed himself before the geographical map which we had at hand, and traced upon it with his finger a line beginning at the fifty-seventh degree of latitude, the intersection of which designated the one hundred and thirty-fifth degree of longitude west of Greenwich, precisely at the point where our establishment of Novo-Archangelsk appears to be.

This demarcation would certainly leave a considerable space between the boundaries designated on both sides, even if the Imperial Government should decide in the interests of conciliation, to bring the
56 line of demarcation up to the fifty-fifth degree of latitude, as it had already been fixed in the Act of Incorporation granted to our American Company in 1799 by His Imperial Majesty's august predecessor.

I thought it my duty to tell Chevalier Bagot in reply that he had good reason to say that we were both greatly out in our reckoning; that for my part I regretted it the more because I could see no consideration that could induce the Imperial Government to draw back the boundary of its possessions on the north-west coast of America two degrees beyond the point mentioned in the charter of the Emperor Paul I. which has just been referred to.

I remarked that if the edict of September 4, 1821, had been detrimental to the colonial and maritime interests of any of the foreign Powers, we had hastened, at the first remonstrances which they had addressed to us, to suspend the execution of the provisions of that edict, especially those which gave most cause for those remonstrances; that in the subsequent explanations the Imperial Government constantly manifested the most conciliatory intentions; that it was disposed to make all the concessions which justice required, both upon the question of the territorial boundaries and upon that of the maritime jurisdiction; but that it would naturally be very unwilling to abandon a boundary established by the charter of Paul I. and confirmed to some extent, by an undisputed possession of about a quarter of a century.

As the said charter was not at that time officially communicated to the foreign Powers, I will not persist in maintaining, said I, that it constitutes a *de facto* right; but that it was none the less true that the foreign Powers could not have been ignorant of the existence of that charter, and that from the time of its promulgation in Russia to that of the edict of September 4 (1821) it had not occasioned any protest on their part.

I then asked Chevalier Bagot whether he did not himself admit that it would be attempting to impose too great a sacrifice upon the dignity of the Imperial Government to require it to say now to its own subjects: "We have allowed you to believe for twenty-two years past that the boundaries of our possessions on the north-west coast of America extended from Behring Strait to the fifty-fifth degree of latitude; well, we tell you now that it was a mistake, and that the southern boundary must stop at the fifty-seventh degree, because it has just been proved to us that the boundary never belonged to us."

Lastly, I requested Chevalier Bagot to take notice that in this whole matter, as far as Russia was concerned, it could be only a question of concessions; that by replacing the boundary of her possessions on the continent of America at the fifty-fifth degree (provided always that the Imperial Government decided to do so, which I could not take upon myself to predict), and by modifying at the same time her theory of maritime jurisdiction, Russia not only complied with the reasonable wishes of all moderate people in England, but that she would also silence the extravagant declaimers of the opposition party, who were incessantly haranguing the public, either in the daily papers or in the sessions of Parliament, about what they called the unbounded ambition of Russia.

For there would then be no doubt that the material and moral results of the negotiations would all be to the advantage of England.

The English Ambassador seemed to feel the weight of these arguments, and did not hesitate to admit that he thought them plausible. He replied, however, that his instructions did not authorize him to agree to any other line of demarcation, and that consequently he had no other course to take than to await further instructions from his Government.

Upon separating, after an interview of two hours and a half, we each requested the other to reflect on the subjects of our discussion. I added, in substance, that although we were far from agreeing upon the territorial question, I still thought that we had made some progress, and that it was susceptible of an easy and speedy settlement, were it only owing to the candour which we had both displayed in our way of discussing it, and that this beginning was very promising.

In the account which I have just given your Excellency of my first conversation with the English Ambassador, I have endeavoured especially to repeat with scrupulous accuracy all that was said between us concerning the territorial question, which I think that I ought to regard as the most important point in the negotiations.

57 Matters of secondary importance, but which I cannot pass over in silence, were incidentally mentioned during the discussion. In this way Chevalier Bagot, after informing me of the plan of demarcation devised by his Government, agreed unhesitatingly that when the boundaries between our respective possessions were once established we would be perfectly free to introduce into the territory

allotted to us such administrative regulations as our own wisdom might suggest; that is to say, that we shall have full liberty to permit foreign navigation in our waters or to reserve them exclusively for our own use.

The English Ambassador declared to me, moreover, on this subject that his Government was not thinking of procuring any exceptional privileges for British subjects.

While explaining to me the reasons which induced the British Government to make common cause, so to speak, with the Americans in the question of the maritime jurisdiction, which reasons Chevalier Bagot said that he had communicated to your Excellency, he agreed with me in the most explicit manner that the territorial question did not concern the Americans in the least; but he thought, as I did, that they would try to obtain from us the recognition of what they claim to be an ancient right belonging to them, not only to navigate our waters freely, but also to trade with the natives of the country.

When I remarked to Chevalier Bagot that his line of demarcation deprived us of the whole or the larger half of the Island of St. George, otherwise called Sitka (if I am not mistaken), he spoke of a pecuniary indemnity for the losses that we might sustain there.

I did not think that I ought to allow myself either to encourage or reject this suggestion. I therefore passed over it in silence.

Two days after this interview Sir Charles Bagot returned to my house in the morning to tell me that the object of his visit was only to rectify an involuntary mistake which he had made in speaking of the one hundred and thirty-seventh degree, when he meant the one hundred and thirty-fifth.

No. 32.

Ship-owners' Society to Mr. G. Canning.

NEW BROAD STREET, *November 19, 1823.*
(Received November 24.)

SIR: In the month of June last you were pleased to honour me with an interview on the subject of the Russian Ukase prohibiting foreign vessels from touching at or approaching the Russian Establishments along the north-west coast of America therein mentioned, when you had the goodness to inform me that a representation had been made to that Government, and that you had reason to believe that the Ukase would not be acted upon; and very shortly after this communication I was informed, on what I considered undoubted authority, that the Russian Government had consented to withdraw that unfounded pretension.

The Committee of this Society being about to make their annual report to the Ship-owners at large, it would be satisfactory to them to be able to state therein that official advices had been received from St. Petersburgh that the Ukase had been annulled; and should that be the case, I have to express the hope of the Committee to be favoured with a communication from you to that effect.

I have, &c.

(Signed) GEORGE LYALL, *Chairman.*

No. 33.

Mr. G. Canning to Count Lieven.

[Private and confidential.]

FOREIGN OFFICE, *November 25, 1823.*

MY DEAR COUNT LIEVEN: I have received the inclosed letter from the Ship-owners' Society. My answer to it must be in writing, and not long after it will be in print.

58 I wish, therefore, that you should know beforehand what the nature of it will be, and for that purpose I enclose a draft of it which I will be obliged to you if you will return with any remark that may occur to you, returning also Mr. Lyall's letter.

I have, &c.

(Signed) GEO. CANNING.

No. 34.

Count Lieven to Mr. G. Canning.

[Particulière et confidentielle.]

ASHBURNHAM HOUSE, *le 26 Novembre, 1823.*
(Received Nov. —.)

MON CHER M. CANNING: Je vous suis infiniment reconnaissant de la communication que vous avez bien voulu me faire. En vous restituant ci-près les deux annexes jointes à votre lettre, et en me prévalant de la permission que vous avez eu la bonté de me donner, je prends la liberté de vous observer: qu'il serait désirable que le passage marqué au crayon dans la Minute de votre réponse fut substitué par l'annonce, "que les nouvelles instructions données aux Commandants des croisières Russes sont conçues dans l'intention de prévenir les voies de fait entre les vaisseaux Russes et ceux des autres nations, et qu'en général elles peuvent être considérées comme de nature à faire suspendre provisoirement l'effet de l'Ukase Impérial du 4 Septembre, 1821."

Je crois que par ces expressions l'objet de tous serait également atteint.

Veuillez, &c. (Signé) LIEVEN.

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*Count Lieven to Mr. G. Canning.***

[Translation—Private and confidential.]

ASHBURNHAM HOUSE, *November 26, 1823.*
(Received Nov. —.)

MY DEAR MR. CANNING: I am infinitely grateful to you for the communication which you have so kindly made to me. Returning herewith the two inclosures to your letter, and availing myself of the permission that you have had the goodness to grant me, I take the liberty of saying it would be desirable that the passage marked in pencil in the rough draft of your reply be replaced by the notice

"that the new instructions given to the commanders of the Russian cruisers are drawn up with the idea of preventing collisions between the Russian ships and those of other nations, and that, in general, they may be considered of such a nature as to provisionally suspend the effect of the Imperial Ukase of September 4, 1821."

I believe that by this mode of expression the object of all would be equally attained.

Pray accept, &c.

(Signed) LIEVEN.

No. 35.

Foreign Office to Ship-owners' Society.

FOREIGN OFFICE, *November 26, 1823.*

SIR: I am directed by Mr. Secretary Canning to ackowledge the receipt of your letter of the 19th instant, expressing a hope that the Ukase of September, 1821, had been annulled.

Mr. Canning cannot authorize me to state to you in distinct terms that the Ukase has been "annulled," because the negotiation to
59 which it gave rise is still pending, embracing, as it does, many points of great intricacy as well as importance.

But I am directed by Mr. Canning to acquaint you that orders have been sent out by the Court of St. Petersburgh to their Naval Commanders calculated to prevent any collision between Russian ships and those of other nations, and, in effect, suspending the Ukase of September, 1821.

I am, &c.

(Signed) F. CONYNGHAM.

No. 38.

Memorandum.

JANUARY 13, 1824.

Mr. Canning will perceive by the inclosed Russian Chart (copied from Vancouver's survey) that the Russian Settlement of *Sitka* is on a small island they have so named in the mouth of Norfolk Sound and in latitude 57° 5′ N.

The great island contiguous to it is named by Vancouver "King George's Archipelago," and the strait which separates it from another island (Admiralty Island) is named "Chatham Strait"; that between Admiralty Island and the continent "Stephen's Strait or Passage." It is probable that since the Settlement of Sitka, the Russians may have extended their possessions to the great adjacent island. I should think, therefore, that if latitude 56°, which takes in the whole of that island, and the longitude 225° (or which is the same thing 135° west) were assigned as the Russian limits, Chatham Strait, Lynn Canal, and a line running from the head of the latter in the direction of northwest would form an unobjectionable boundary. Perhaps a sketch of this part of the chart might accompany Mr. C. Bagot's instructions.

January 13, 1824.

No. 40.

Mr. G. Canning to Sir C. Bagot.

No. 2.] FOREIGN OFFICE, *January 15, 1824.*

SIR: A long period has elapsed since I gave your Excellency reason to expect additional instructions for your conduct in the negotiation respecting the Russian Ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American Minister; and the framing such instructions was, of necessity, delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

Upon receipt of your Excellency's despatch No. 48, reporting the arrival of Mr. Hughes at St. Petersburgh, with the instructions of the Government of the United States to Mr. Middleton, I applied to Mr. Rush for information as to the tenour of those instructions. I then found, what I had not before been led to suspect, that Mr. Rush had himself authority to enter into negotiations with us as to the respective claims of Great Britain and the United States on the north-west coast of America, although he does not appear to have been instructed to invite such negotiation here, if we should prefer leaving it to be conducted at St. Petersburgh.

It seemed, however, that it would greatly facilitate your Excellency's task at St. Petersburgh if we could come to some satisfactory understanding with Mr. Rush on the principles and leading points of the negotiation, and that, at all events, it was advisable to ascertain so much from Mr. Rush as might enable us to judge whether it would or would not be expedient to agree to the proposal of the United States for combining our negotiations with Russia into one.

60 Such a combination had indeed been already proposed by us with respect to so much of our respective discussions with Russia as turned upon the maritime pretensions of the Russian Ukase. But that proposal had not been made in contemplation of the territorial question to which the pretensions of the United States have given a new and complicated character.

The object in applying jointly to Russia for a disavowal or qualification of her maritime pretension was at once to simplify and to soften to Russia that act of qualification or disavowal, by enabling Russia to satisfy both Powers at once, with special and separate concession. But as in the question of territorial limits, Russia, at whatever point her pretensions might be stopped, could have but one of the two Powers for her neighbour, there did not seem to be any obvious advantage in bringing both to bear upon her together in the settlement of those limits.

It is true that as, while we confine upon the Russian territory to the north, we also confine upon that of the United States to the south, we must at one time or other come to a settlement with each of these Powers. But there is no obvious or cogent necessity for making those settlements simultaneous, especially as we have already a Convention subsisting with the United States which suspends the necessity of any definite settlement with that Government for five years yet to come.

Whether, therefore, your Excellency should be empowered, according to the desire of the Government of the United States, to negotiate

and conclude a tripartite arrangement with Russia and the United States, or should be instructed to pursue that negotiation with Russia singly, according to the tenour of your present powers, was a question to be determined in a great measure by the more or less probability of a satisfactory understanding between Great Britain and the United States as to their relative as well as their joint concern in such negotiation.

Now we have good reason to believe that, in respect to the question of territorial dominion between us and Russia, an arrangement may be agreed upon which will satisfy the wishes and secure the convenience of both parties by a line of demarcation to be drawn between the southernmost Settlement of Russia and the northernmost part of the North-West Company.

The most southern Establishment of Russia on the north-west coast of America is Sitka, which is not laid down in our latest maps with sufficient exactness, but which appears by the Russian map published in 1802 to be situated, as the enclosed copy of a letter from Mr. Pelly, Chairman of the Hudson's Bay Company, also represents it, in latitude 57°, and not (as the Map of which a copy was enclosed to your Excellency indicates) on the continent, but on a small island of the same name at the mouth of Norfolk Sound; the larger islands contiguous thereto, forming (what is called Vancouver) King George's archipelago, are separated from each other by a strait called Chatham Strait, and from the mainland by another strait called Stephen's Strait or passage. Whether the Russians have extended their Settlements to these larger islands is not known, but Mr. Pelly positively avers that they have no Settlement on the mainland, nor any commerce to the eastward of the coast. He suggests, therefore, either the channel between the islands, or that between the islands and the mainland, as the most desirable line of demarcation to the eastward, which being agreed to, the line to the southward might be drawn so as to comprehend Sitka and all the Russian Settlements upon the islands. If this agreement could be obtained it would effectually prevent all danger of a collision with Russia; and the United States not intending, as it is understood, to urge any claim in opposition to that actual occupancy, whether on the part of Russia or of Great Britain in the latitudes in which the claims of Great Britain and Russia come in contact, the intervention of the United States in such an arrangement could be necessary only as an umpire.

Such an intervention in this case is not likely to be required, on account of an irreconcilable conflict of pretensions between Great Britain and Russia; nor would a Power whose pretensions are (theoretically at least) in conflict with both parties be the fittest for such an office.

Your Excellency's despatch No. 48 describes latitude 55° as the point at which M. Poletica appeared to wish that the line of demarcation between Russia and Great Britain should be drawn. By a Memorandum which I have received from Mr. Rush of what his
61 Government would propose as a general settlement, it appears that latitude 55° is the point at which the United States likewise have proposed for that same line of demarcation.

This coincidence certainly argues either a foregone understanding between Russia and the United States, or a disposition on the part of the United States to countenance and promote what they know to be the desire of Russia.

When to this statement I add that the United States propose, according to the aforesaid Memorandum of Mr. Rush, to draw the line of demarcation between themselves and Great Britain at latitude 51° the point at which the Russian pretension, as set forth in the Ukase of 1821, terminates, it does not seem very uncharitable to suppose that the object of the United States in making a selection, otherwise wholly arbitrary, of these two points of limitation for British dominion, was to avoid collision with Russia themselves, and to gratify Russia at the expense of Great Britain. There is obviously no great temptation to call in such an Arbiter, if the partition between Russia and ourselves can be settled, as no doubt it can, without arbitration.

By admitting the United States to our negotiation with Russia, we should incur the necessity of discussing the American claim to latitude 51° at the same time that we were settling with Russia our respective limits to the northward.

But the question of the American claim is for the present merged in the Convention of 1818; and it would be a wanton increase of difficulties to throw that Convention loose, and thus to bring the question, which it has concluded for a time, into discussion precisely for the purpose of coincidence as embarrassing as it is obviously unnecessary.

If Russia, being aware of the disposition of the United States to concede to her the limit of latitude 55°, should on that account be desirous of a joint negotiation, she must recollect that the proposal of the United States extends to a joint occupancy also, for a limited time, of the whole territory belonging to the three Powers; and that the Convention now subsisting between us and the United States gives that joint occupancy reciprocally to us in the territory to which both lay claim.

To this principle it is understood the Russian Government object; nor, so far as we are concerned, should we be desirous of pressing it upon them; but as between ourselves and the United States we are not prepared to abandon it, at least for the term for which the Convention of 1818 has to run. There would be some awkwardness in a tripartite negotiation which was not to be conducted and concluded in all its parts upon an uniform principle.

These reasons had induced us to hesitate very much as to the expediency of acceding to the proposition of the United States for a common negotiation between the three Powers; when the arrival of the Speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself, and susceptible of being stated to Mr. Rush with more explicitness than those which I have just now detailed to your Excellency, I refer to the principle declared in that Speech, which prohibits any further attempt by European Powers at colonization in America.

Upon applying to Mr. Rush for an explanation of this extraordinary doctrine, I found him unprovided with any instructions upon it. He said, indeed, that he had not heard from his Government since the opening of the Congress, and had not even received officially a copy of the President's Speech.

His conviction, however, was that, against whatever Power the President's doctrine was directed, it could not be directed against us. He appealed in support of that conviction to the existence of the Convention of 1818, by which we and the United States hold for a time

joint occupancy and common enjoyment of all the territory on the north-west coast of America above latitude 42°.

It was obviously the impression on Mr. Rush's mind that this pretension on the part of his Government was intended as a set-off against maritime pretension of the Russian Ukase.

I do not mean to authorize your Excellency to report this construction at St. Petersburgh as that of the American Minister, but you will have no difficulty in stating it as one to which we think the President's Speech liable, as that indeed which appears to us to be by far the most probable construction of it; as such, it furnishes a conclusive
62 reason for our not mixing ourselves in a negotiation between two parties whose opposite pretensions are so extravagant in their several ways as to be subject not so much of practical adjustment as of reciprocal disavowal.

Mr. Rush is himself so sensible of the new consideration which is introduced into the negotiation by this new principle of the President's that although he had hitherto urged, with becoming pertinacity the adoption of the suggestion of his Government, he has, since the arrival of the President's Speech, ceased to combat my desire to pursue the course already begun of a separate negotiation at St. Petersburgh, and has promised to write by this messenger to Mr. Middleton to prepare him for your Excellency's continuing to act upon your former instructions.

It remains, therefore, only for me to direct your Excellency to resume your negotiation with the Court of St. Petersburgh at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavour to bring it as speedily as possible to an amicable and honourable conclusion.

The questions at issue between Great Britain and Russia are short and simple.

The Russian Ukase contains two objectionable pretensions: first, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them; you will therefore urge Count Nesselrode to furnish you with his notion of such a declaration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the Convention of limits.

As to the territorial question, I have already stated that the line of demarcation the most satisfactory to us would be one drawn through "Chatham Strait," the channel separating the island on which Sitka is situated from the island to the eastward of it, or if the Russians have establishments on that island also, then through the channel called "Stephen's Passage," which separates the whole archipelago from the mainland.

If one or the other of these channels cannot be obtained as the boundary, then the line must be drawn on the mainland to the north of the northernmost post of the North-West Company from east to west till it strikes the coast, and thence may descend to whatever latitude may be necessary for taking in the island on which Sitka stands.

It does not appear from your Excellency's despatch how far the line

proposed by M. Poletica, to be drawn at latitude 55°, was intended to run to the eastward. If to the Rocky Mountains it, obviously, would be wholly inadmissible by us, inasmuch as the communication of the North-West Company from Canada, through those mountains with the whole of the north-west country is in a higher latitude than 55°.

Neither has Russia any claim whatever to any inland territory approaching that latitude. She has no occupancy inland. Mr. Pelly's Report denies that she has any even on the coast. And it is to the coast alone that discovery could, in the nature of things, give any title.

It is absolutely essential, therefore, to guard against any unfounded pretension, or any vague expectation of Russia, to the eastward, and for this purpose it is necessary that whatever degree of latitude be assumed, a definite degree of longitude should also be assigned as a limit between the territorial rights of the two Powers.

If your Excellency can obtain the strait which separates the islands from the mainland as the boundary, the prolongation of the line drawn through that strait would strike the mainland near Mount Elias—the lowest point of unquestioned Russian discovery. But if that were too much to insist upon, the 135th degree of longitude, as suggested by your Excellency, northward from the head of Lynn's Harbour might suffice.

It would, however, in that case be expedient to assign, with respect to the mainland southward of that point, a limit, say, of 50 or
63 100 miles from the coast, beyond which the Russian posts should not be extended to the eastward. We must not, on any account, admit the Russian territory to extend at any point to the Rocky Mountains. By such an admission we should establish a direct and complete interruption between our territory to the southward of that point, and that of which we are in possession to the eastward of longitude 135° along the course of the Mackenzie River.

As your Excellency had already made so much way in previous discussion, it is to be hoped that, on resuming the negotiation, very little time need be required to bring it to a conclusion. It is extremely important to conclude it as quickly as possible.

It being once decided not to negotiate jointly with the United States, we must take care to be out of the way while the discussions between Russia and the United States are going on; and the example of having come to an agreement with us promptly and amicably on both points of litigation would perhaps not be less valuable to Russia in her subsequent discussions with the United States, than would have been the facility which we had in contemplation for Russia, when we originally proposed that her disavowal of the maritime principle should be addressed simultaneously to us both.

At that time our claim to such disavowal and the claim of the United States were precisely alike; Russia had nothing to plead against either of us as a compensation for those claims. The principle put forward by the President of the United States has introduced a difference between the respective situations of the United States and Great Britain with respect to Russia, which did not exist before. In the former state of things it might have been expedient both for ourselves and for the United States, as well as less distasteful to Russia, to return an answer common to us both; but, as things stand now, Russia might naturally wish to qualify her answer to the United States with some reciprocal demand of explanation.

The only point of view in which the United States could now insist upon interfering with, or even taking cognizance of, the negotiation between us and Russia, would be in order to see that the pretension on the north-west coast of America derived to the United States from Spain, through the Treaty of 1819, were not prejudiced by our separate agreement.

That object cannot be more effectually provided for than by inserting into our Convention with Russia, as a protection for the claims of the United States, that part of the IIIrd Article of the Convention concluded by us with the United States in 1818 which was inserted in that Convention for the protection of the claims of Spain herself in the rights which she had not then ceded. By that Article it is stipulated that the agreement between the two Contracting Parties "should not be taken to affect the claims of any other Power or State in any part of the said country." Such a clause your Excellency will voluntarily propose to insert in the Convention which you are to conclude with Count Nesselrode; and you will apprize Mr. Middleton of your intention of proposing that insertion.

I am, &c.

(Signed) GEORGE CANNING.

[Enclosure 1 in No. 40.]

(*Hudson's Bay Company to Mr. G. Canning.*)

HUDSON'S BAY HOUSE, *London, January 8, 1824.*

SIR: In reference to the conversation which I had the honour of having with you on Monday last, I beg to call your attention to my letter the 25th September, 1822, on the subject of the trading stations of the Hudson's Bay Company in the countries on the north-west coast of America.

In addition to what is therein stated, I have to inform you that it appears, by the intelligence received this last season, that our traders are extending their posts still farther to the northward in the country to the west of the Rocky Mountains.

It may be proper for me also to mention that the Hudson's Bay Company have a chain of trading posts on the McKenzie's River, as far north as about 67° north latitude, and that Indians trade at those posts who come from the countries
64 lying to the west of that River and to the north of 60° north latitude, and that our traders are extending their posts to the westward into that country.

The Russian station called *Sitka* is an island, and can give no claim by occupation to any part of the continent. But, even if they had stations on the sea coast of the continent, this could not be held to give to Russia a better claim to a southern boundary on a line of latitude eastward than our stations in 67° north latitude gives to Great Britain to one on a line of latitude westward.

From a want of accurate knowledge of the courses of the river or ranges of mountains, it is difficult to suggest any satisfactory boundary in the interior of the country in question, and (if consistent with your views), it might, perhaps, be sufficient at present to settle a boundary on the coast only and the country 50 or 100 miles inland, leaving the rest of the country to the north of that point and to the west of the range of mountains which separate the waters which fall into the Pacific from those which flow to the east and north, open to the traders of both nations.

In this case, I would suggest the northern end of the inlet called Chatham Straits as the most southern point at which the coast boundary ought to be fixed. This is but a little (if at all) to the north of the most northern trading station in the country to the west of the Rocky Mountains.

The islands to the west of Chatham Straits may be given to Russia; but the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it.

If it is considered proper to fix at present the interior boundary, I would suggest a line drawn from the above-mentioned point at Chatham Straits due north, until it strikes the range of mountains which separate the waters (being the supposed con-

tinuation of the range called the Rocky Mountains), and thence to follow the ridge of these mountains to the Frozen Ocean.

This is the greatest concession which I think it would be advisable to make to Russia with regard to the interests of the British fur trade, and it would be desirable, as a means of preventing the risk of collision between the traders of the two nations, if Mount Elias on the coast at 60° north latitude was taken as the boundary point, from whence the line of longitude should be drawn.

I have, &c.

(Signed) J. H. PELLY.

[Enclosure 2 in No. 40.]

Memorial relating to the North-West Coast of America.

The principal settlements of the Russian Fur Company in the North Pacific Ocean are on the Aleutian or Fox Islands, the Island of Kodiak being the great entrepôt or magazine of the peltries, which are collected in the neighbouring islands and from Cook's Inlet, Prince William Sound where, however, it does not appear the Russians have establishments inland, but the furs are collected by a coasting trader in the "baidarkat" or canoes.

Mr. G. S. Langsdorf, who accompanied Captain Krusenstern in his voyages in the years 1803, 1804, 1805, 1806, and 1807, in giving an account of the fur trade, gives the following statement and history of the settlement of Lichta:—

"The constant decrease in the number of sea otters upon the coast of Kamschatka induced the Russians to extend their possessions eastward, first to the islands between the coasts of Asia and America and finally to the north-west coast of America."

Norfolk Sound appearing to present a favourable spot for an establishment, it was considered expedient to take possession of it. A fortress with proper warehouses and dwelling houses were built. * * * After a time the natives rose upon the Russians and killed almost the whole party. In the year 1804 the director, M. de Rosanoff, again took possession of it with a large force, building a fortress, and giving it the name of Kerr Archangel.

If present occupation gives to a government the right of possession, the occupancy of Norfolk Sound could not give to Russia a claim to the coast bordering on the islands or the interior mainland, and it does not appear that Russia has any ports or settlements on the north-west coast of America which would give Russia any right of claim to the country by present occupancy, except at a settlement called Bodega, which is on the coast of New Albion, in latitude 30° 30′.

The country of New Albion is covered with oak-ash pine timber of large dimensions, fit for ship-building, and on the coast of California a very fine description of hemp is found. The land is capable of the highest state of cultivation, producing excellent wheat, potatoes, hemp, and all kinds of vegetables.

The Russians build vessels of large burden at their settlement, and under the pretext of encouraging the fur trade, have encroached so far south; and in the year 1805 they sent a M. de Resankoff to negotiate with the Spanish Government for permission to form an establishment in New California, which negotiation, however, failed.

The Russian Government have, however, never lost sight of this place, and it is supposed are endeavouring to purchase the Californias from Spain; the possession of which would not only enable the Russian Government to form a naval arsenal in the Pacific, and, under the pretext of encouraging the fur trade, to form a hardy race of seamen and bold adventurers, but would give to that Government the power of interfering with the liberties of South America.

Russia can have no claim to the country of New Albion by the right of first discovery. This right is claimed by Great Britain and Spain, but from various authorities it belongs, beyond a doubt, to Great Britain, which it would be of great importance to establish, should Spain have ceded the country to Russia.

In the year 1574, Abraham Ortelius, the geographer of the King of Spain, acknowledged that the north-west coast of America was quite unknown, and a few years after this declaration, Queen Elizabeth sent Sir Francis Drake on an expedition round Cape Horn, which he named Queen Elizabeth's Foreland, and he sailed as high as 48°, if not higher, landing at different places, and taking possession of the country, which he called New Albion, and which has been so named ever since.

It would thus appear the Russians have no claim to the coast, or to the mainland on the north-west coast of America, except to the land about Bodega, either by present occupancy or from first discovery, the land, which Icherikoff made in 1741, being the coast of Norfolk Sound and Island, and divided from the mainland by a

broad channel, and as it does not appear that Russia has anywhere establishments or posts on the north-west coast of America lower than Prince William's Sound, except Bodega, which could give her the claim to present occupancy.

Great Britain has, however, establishments of posts up to 37°, trading with Indians to the northward, and a post on the Mackenzie River as high as 67° which are increasing by expeditions of discovery, and it may fairly and with great reason be hoped that Captain Franklin in his expedition will discover and take possession, if no treaty to the contrary is made, of all the coast and country to the westward of Mackenzie River as far as Icy Cape.

No. 40.**

Hudson's Bay Company to Mr. G. Canning.

HUDSON'S BAY HOUSE,
London, January 16, 1824.

Mr. Pelly presents his compliments to Mr. Secretary Canning, and, as in the conversation he had with Mr. Canning he seemed to consider Mr. Faden's map as the most authentic (an opinion which in so important a question as that of settling a national boundary, it may, perhaps, be dangerous to hastily admit), Mr. Pelly has had the posts of the Hudson's Bay Company, in that part of the territory under consideration, marked on it; he has likewise had coloured the proposed line from Lynn Canal, the northern extremity of Chatham Strait, as well as the less objectionable one from Mount Elias.

The map is sent herewith, and likewise a copy of G. H. von Langsdorff's account of his voyage to the north-west coast of America, in the 4th chapter of which is a full description af Sitcha.

Mr. Secretary Canning will observe that Sitcha in this map is properly placed in Norfolk Sound on the island, called by us "King Geo. III Archipelago," and by the Russians "New Archangel." From occupation the Russians may be considered entitled to this Island, and probably to those of the north-west; but as the Russians have no settlement on any of the islands to the eastward, it is confidently expected by the Hudson's Bay Company that Chatham Strait will form the eastern boundary.

No. 41.

Mr. G. Canning to Sir C. Bagot.

No. 3.] FOREIGN OFFICE, *January 20, 1824.*

SIR: I write this separate despatch to your Excellency for the purpose of inclosing to you certain information and suggestions on the subject of our discussion with Russia respecting the north-west coast of America, which I have received since my despatch on that subject was prepared.

Any additional information is valuable upon a question of so much doubt and obscurity; and the suggestions are well worth attention, considering the quarters from which they come. But I would not incumber my other despatch, already so voluminous, with the matter herewith transmitted, nor make it part of the positive instructions to your Excellency.

I rely confidently on your Excellency's ability and zeal to make the best arrangement that can be made for the interests of your country to the extent of the most sanguine of the views opened in these inclosures, but I am not willing to instruct you to break off the negotia-
66 tions on a demand of greater advantages, if you find that you can obtain the terms laid down in my other despatch, and that you cannot obtain any improvement of them.

I am, &c.

(Signed) GEORGE CANNING.

No. 42.

Mr. Enderby to Board of Trade.

PAUL'S WHARF, *February 7, 1824.*

SIR: After the long and patient audience you admitted Mr. Mellish and myself to on the 5th instant, I hope you will pardon my intruding on you by letter on the subject of nations claiming boundary lines of waters to prevent their colonies being interfered with.

Previous to the Convention which was concluded with Spain in 1790, Mr. Pitt sent to desire I would call on him at the Treasury, which I did; he asked me how near the coast of Spanish America in the Pacific Ocean we fished for whales. I answered, frequently within 3 sea leagues. Mr. Pitt said he could not ask for such a short distance from the Spanish Colonies on the coast of the Pacific Ocean, where all their most valuable gold and silver mines are placed, as they would be great objects for illicit trade, and that Spain was very jealous of any foreign intercourse with their most valuable Colonies. Mr. Pitt said he believed Spain would be satisfied with a boundary-line of 10 sea leagues from the coast, which I acceded to in behalf of the adventurers in the whale fishery.

As I conclude that a boundary-line of waters in the North Pacific Ocean will be agreed to between Great Britain and Russia, I hope I may be pardoned suggesting that there ought not to be any boundary-line in entering into Behring's Straits for the purpose of fishing or of attempting to find a passage through. Behring's Straits are very narrow in all parts, and it would be almost impossible to fish in those straits without being daily within 5 or 6 leagues from the Russian Colonies on the eastern coast of the straits.

All I ask is that we may be protected in all our fair pursuits and enterprises in killing whales, seals, and other amphibious animals, and in exploring and navigating the most distant and unknown parts of the oceans in search of islands not colonized without control from any foreign Power.

I have, &c. (Signed) SAM. ENDERBY.

No. 44.

Sir C. Bagot to Mr. G. Canning.

No. 23.] ST. PETERSBURGH, *March 17 (29), 1824.*

SIR: It is with a feeling of considerable disappointment that, after a constant negotiation for more than six weeks, after having gone to the utmost limit of your instructions—and after having taken upon myself to go even far beyond them—I should nevertheless have to acquaint you that I have entirely failed in inducing the Russian Government to accede to what I consider to be a fair and reasonable adjustment of our respective pretensions on the north-west coasts of North America, or to the adoption of any line of territorial demarcation which appears to me to be reconcileable, under the spirit of your instructions, with our legitimate interests in that quarter of the world.

In order that I may put you in complete possession of the whole course of my negotiation upon this subject, and may explain
67 the precise grounds upon which I have felt myself compelled to suspend, for the present, all further proceedings in this business, it will, I fear, be necessary that I should enter into a detail of some length, and that I should load this despatch with several papers which are now become of importance.

It was on the 16th of last month that I had my first conference upon this question with the Russian Plenipotentaries, Count Nesselrode and M. Poletica. I opened this conference by explaining to the Plenipotentiaries the reasons for which His Majesty had judged it advisable to treat separately upon this matter, rather than, as it had been originally intended, in concert with the Government of the United States. I then laid before them Count Lieven's note to you of the 31st January, 1823, proposing that the question of strict right should be provisionally waived on both sides, and that the adjustment of our mutual pretensions should be made upon the sole principle of the respective convenience of both countries.

This basis of negotiation being willingly accepted by all parties, I stated that, so far as I understood the wishes and interests of Russia, her principal object must be to secure to herself her fisheries upon the islands and shores of the north-west coasts of North America, and the posts which she might have already established upon them; that, on the other hand, our chief objects were to secure the posts upon the continent belonging to the Hudson's Bay Company, the embouchures of such rivers as might afford an outlet for our fur trade into the Pacific, and the two banks of the Mackenzie River; that, in the belief that such were our respective objects, I would propose as our boundary a line drawn through Chatham Straits to the head of Lynn Canal, thence north-west to the 140th degree of longitude west of Greenwich, and thence along that degree of longitude to the Polar Sea.

This proposal was made by me verbally, and was taken for consideration by the Russian Plenipotentiaries, who at our next meeting offered a "contre-projet," which I afterwards requested might be reduced to writing, and of which I inclose a copy (Inclosure 1).

In offering this "contre-projet," Count Nesselrode seemed to intimate that, however disposed the Emperor might be to retract pretensions advanced by himself which might be thought to conflict with the interests of other Powers, it would be asking too much of the Imperial dignity to require that pretensions advanced twenty-five years ago by the Emperor Paul, and which had been hitherto undisputed, should be now renounced. I thought it my duty, upon an intimation of this kind being made, to declare at once that all considerations of such a nature were incompatible with the stipulated basis of our negotiation, and that if the question of national dignity was to be touched, I, too, should have much to say upon that head, and should probably find it quite impossible to make those concessions which, upon the simple ground of mutual convenience, I might perhaps without difficulty do. This explicit declaration had its desired effect, and the Russian Plenipotentiaries engaged not to introduce again arguments of this kind into our discussions.

As the "contre-projet" offered to me appeared to be, generally speaking, entirely inadmissible, I drew up such a modification of my original proposal as would, I thought, meet the only reasonable objec-

tion made to it (an objection made in conversation by the Russian Plenipotentiaries), viz., the inconvenience which Russia might experience by vessels of the United States claiming a right, under their Convention with Great Britain, to visit the waters lying between King George's archipelago and the islands and continent to the eastward of it, and which might, in this manner, seriously annoy the subjects of His Imperial Majesty in their pursuits and occupations upon those shores.

This modification of my first proposal will be found in the inclosed paper (Inclosure 2), which I delivered to the Russian Plenipotentiaries at our next Conference.

You will observe that in making the proposal so modified, I, in fact, exceeded, in some degree, the strict letter of your instructions by assigning to Russia the islands lying between Admiralty Island to the north, and Duke of York and Prince of Wales Islands to the south, but I entertained sanguine expectations that such a proposal, coupled with the concession of a line of coast extending 10 marine leagues into the interior of the continent, would have been considered as
68 amply sufficient for all the legitimate objects which Russia could have in view, and quite as much as she could pretend to with any shadow of real claim or justice.

So far, however, from this being the case, my amended proposal was met at our next Conference by observations which I again requested might be reduced to writing, and which will be found in the inclosed paper (Inclosure 3).

As, in this paper, parts of the main continent to which Russia cannot by possibility have acquired any claim, and of which Great Britain is at this moment actually in partial occupation, are offered to His Majesty in the light of concessions, it became necessary for me to reject any such offers as a boon in the most explicit terms, and you will find that I have not failed to do so in the inclosed paper (Inclosure 4), with which I replied to the paper in question.

As, however, I felt strongly the importance of adjusting this business, if possible, at the present moment, and as I felt also that, although the Russian Plenipotentiaries had, in consequence of my former remarks, agreed to waive altogether all question of national dignity in discussing it, His Imperial Majesty might yet possibly feel an invincible repugnance to retract from the pretensions advanced by the Emperor Paul in the Charter given to the Russian American Company in 1799 (however unacknowledged by other Powers such pretension might have been), I thought that I should not act in opposition to the spirit at least of my instructions if, in deference to such a sentiment on the part of the Emperor, and with a view to finish the business quickly, I ventured to make yet one other proposition which, while it saved this point of dignity to Russia by giving to her the 55th degree of latitude as her boundary upon the islands, might preserve also uninterrupted our access to the Pacific Ocean, and secure to His Majesty the 56th degree of north latitude as the British boundary upon the coast.

The proposition by which I had hoped to effect these objects will also be found in the paper (Inclosure 4), in delivering which I gave it clearly to be understood that it contained my ultimate proposition.

It was not till the day before yesterday, that is, nearly ten days after I had given in this paper, that I was invited to another Conference,

when I was informed that the Imperial Government had, after anxious consideration, taken their final decision, and that they must continue to insist upon the demarcation as described by them in the first paper (Inclosure 1).

Finding this to be the case, I repeated that I had already gone far beyond the utmost limit of my instructions, and that I was sorry to say that I must now consider our negotiations as necessarily suspended, so far at least as the question of territorial demarcation was concerned.

Count Nesselrode then inquired whether I should object to transmit to my Court the final decision of himself and M. Poletica as it is declared in the inclosed paper (Inclosure 5), and whether I did not think that His Majesty's Government, seeing how slight our disagreement was, might not be disposed to furnish me with such further instructions as would enable me to meet the views of the Russian Government, informing me, at the same time, that it was intended to acquaint Count Lieven by the courier, who is to be dispatched to-night to London, with the course which the negotiation had taken, and to instruct him to hold some conversation with you upon the subject.

I told Count Nesselrode that I should of course feel it to be my duty to transmit this and all other papers connected with the negotiation to you without loss of time, but that I could not by any means take upon myself to say what might be the opinion of His Majesty's Government as to the pretensions so tenaciously adhered to by the Imperial Government, further than by saying that certainly they were such as had never been contemplated by my Court in the instructions with which I had as yet been furnished, and that if a territorial arrangement perfectly satisfactory to both parties could not now be made, it might possibly be thought by my Government that our respective pretensions might still remain without any serious inconvenience in the state in which they had before stood, and that it would only be necessary for the present to confine their attention to the adjustment of the more urgent point of the maritime pretensions—a point which would not admit of equal postponement.

69 In reply to this observation Count Nesselrode stated, to my extreme surprise, that if the territorial arrangement was not completed, he did not see the necessity of making any agreement respecting the maritime question; and I found myself most unexpectedly under the necessity of again explaining very distinctly, both to him and to M. Poletica, that the maritime pretension of Russia was one which, violating as it did the first and most established principles of all public maritime law, admitted neither of explanation nor modification, and that my Government considered themselves possessed of a clear engagement on the part of Russia to retract in some way or other a pretension which could neither be justified nor enforced.

Here the matter rested, but I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retraction of the maritime pretension, or as regards our western boundary, or any other of the minor details which we should have been called upon to adjust; but the observation was made, and considering what has already passed upon this subject, both here, in London, and in America, considering also the delicacy with which His Majesty had left it to the Russian Government themselves to frame the terms

in which their retraction of this preposterous pretension should be made, His Majesty's Government may perhaps think it advisable that Count Lieven should be again given clearly to understand that it is a point to which no slight importance is attached by His Majesty, and that the pretension, as it now stands, will admit of no remedy but that of public, formal, and precise retraction in some shape or another.

Such has been the course of my late negotiation upon this question, and such the grounds upon which I have thought it my duty to suspend it for the present.

I know full well the inconvenience of breaking off such a negotiation in such a stage and upon a point which, judging only by the map, might perhaps appear of so little real importance to His Majesty's present interests, but when I consider by how much I have already exceeded my instructions, how more than doubtful is the real right of this Government to any part of the territory in most immediate dispute, and how much more exorbitant are their pretensions upon the north-west continent of America than I had before had reason to suspect, I certainly could not venture to take upon myself the heavy responsibility of making any further concessions of a territory the value and possible local advantages of which I had no means of estimating and which I believe are as yet imperfectly known.

It is somewhat remarkable that whilst the Russian pretension of maritime jurisdiction stands unrecalled amongst the Ukases of the Imperial Government, a note such as that of which I herewith inclose a copy should have been addressed to me in the midst of our negotiations asking protection for a Russian ship to navigate in safety those very seas and visit those very shores which the Court of Russia has by such high-handed Decrees declared to be a part of her exclusive dominions, and a part, too, which the other Powers of the world are forbidden to approach.

I have not yet answered this note, but if I am pressed to do so before I can receive the instructions of His Majesty's Government in respect to it, I shall certainly grant the certificate required as was done in a former and similar instance by Lord Cathcart.

I have, &c.

(Signed) CHARLES BAGOT.

[Enclosure 1 in No. 44.]

Counter-draft by Russian Plenipotentiaries.

Les propositions faites par les Plénipotentiaires de Russie à Sir Charles Bagot et que Son Excellence a été priée de prendre en mûre considération, tendoient à faire admettre le 55me degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte nordouest de l'Amérique.

Cette même limite a déjà été assignée aux possessions Russes par la charte que l'Empereur Paul 1er accorda à la Compagnie Américaine.

Comme la parallèle du 55me degré coupe l'île du Prince de Galles dans son extrémité méridionale, laissant en dehors deux

The proposals made by the Russian Plenipotentiaries to Sir Charles Bagot, and which His Excellency has been requested to take into serious consideration, tended to have the 55th degree of north latitude recognised as a dividing line between the respective possessions on the north west coast of America.

This same limit has already been assigned to the possessions of Russia by the Charter which the late Emperor Paul I. granted to the American Company.

Inasmuch as the 55th degree of parallel intersects the Prince of Wales' Island at its southern end, leaving outside two

pointes de terre, les Plénipotentiaires de Russie ont proposé que ces deux pointes fussent comprises dans les limites Russes, voulant éviter par là une division de territorie également incommode aux deux parties intéressées.

Pour compléter la ligne de démarcation et la rendre aussi distincte que possible, les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte.

De ce point, la limite remonteroit le long de ces montagnes parallèlement aux sinuosités de la côte, jusqu'à la longitude du 139me degré (méridien de Londres), degré dont la ligne de prolongation vers le nord formeroit la limite ultérieure entre les possessions Russes et Angloises au nord, comme à l'est.

Le motif principal qui force la Russie à insister sur la souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 60° avec le 139° de longitude, c'est que, privée de ce territoire, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir les Établissemens qui seroient dès lors sans point d'appui, et qui ne pourroient avoir aucune solidité.

En revanche la Russie se feroit un devoir d'ouvrir aux sujets de Sa Majesté Britannique la libre navigation de tous les fleuves qui aboutissent à l'Océan dans cette même lisière.

Pour donner une dernière preuve de son empressement à aller au devant des vœux du Gouvernement Anglois, elle ouvriroit aussi au commerce des sujets de Sa Majesté Britannique et à leurs vaisseaux, le port de Novo-Archangelsk, dans le cas où les propositions ci-dessus seroient acceptées.

points of land, the Russian Plenipotentiaries have proposed that these two points should be included within the Russian limits, intending thereby to avoid a division of territory inconvenient equally to the two parties interested in the case.

In order to complete the line of demarcation and to make it as distinct as possible, the Russian Plenipotentiaries have expressed the wish to make it follow the Portland Canal as far as the mountains which run along the coast.

From this point, the limit would ascend along these mountains parallel from the sinuosities of the coast, as far as the 139th degree of longitude (meridian of London), the line of prolongation of which degree towards the north would constitute the ultimate limit between the Russian and the English possessions to the north as well as to the east.

The principal motive which forces Russia to insist upon retaining the sovereignty over the strip of land described previously on the mainland from the Portland Canal as far as the point of intersection of the 60th degree of latitude with the 139th degree of the same, is that, if deprived of this territory, the Russian-American Company would be left without any means of supporting the Establishments, which would thereby be left without any support and could not have any strength nor solidity.

As a compensation, Russia would consider it a duty to open to the subjects of His British Majesty the free navigation of all the rivers which empty into the Ocean within the said strip of land.

In order to give a final proof of his anxiety to meet the wishes of the British Government, she would also open to the trade of His British Majesty's subjects and to their vessels, the harbour of Novo-Archangelsk, should the above-mentioned terms be accepted.

[Enclosure 2 in No. 44.]

Amended proposal by Sir C. Bagot.

Comme il a été convenu de prendre pour base de négociation les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les Plénipotentiaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'Ile du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139me degré, &c., ôteroit à Sa Majesté Britannique la sou-

As it has been agreed to recognise as basis of negotiation the mutual conveniences of both countries, it is to be noted, in answer to the proposal offered by the Russian Plenipotentiaries, that a dividing line, starting from the southernmost extremity of the Prince of Wales' Island and extending to the mouth of the Portland Channel, thence, by the middle of this channel until it reaches the mainland, thence to the mountains bordering the coast, and from that point along the said mountains up to the longitude of the 139th degree, &c., the said line would

veraineté de toutes ces anses et dé ces petites baies qui se trouvent entre les latitudes 56° et 54° 45′ dont plusieurs (à ce qu'il y a tout lieu à croire) communiquent directement aux Établissemens de la Compagnie de Hudson's Bay, et seroient par conséquent d'une importance essentielle pour son commerce, tandis que de l'autre côté la Compagnie Russe-Américaine ne possède aucun Établissement sur la terre ferme entre les deux parallèles sus-mentionnées, ni même sur l'Ile du Prince de Galles, ni sur les îles qui sont situées entre celle-ci et la terre ferme.

71 En acceptant la proposition faite par Sir Charles Bagot dans sa première conférence avec les Plénipotentiaires Russes, il n'y auroit (à ce qu'il paroit) qu'un seul inconvénient pour la Russie, celui qui pourroit résulter du droit que réclameroient peut-être les États-Unis, en vertu de leur Convention avec la Grande-Bretagne de l'année 1818, de naviguer librement dans tous les parages entre l'Ile du Roi George et la terre ferme, et de gêner ainsi de quelque sorte le commerce des sujets de Sa Majesté Impériale dans ces eaux.

Pour obvier à cet inconvénient et pour assurer à la Russie l'entière souveraineté de ces parages, ainsi que toutes les îles et les côtes où il y a effectivement des Établissemens Russes, la Grande-Bretagne proposeroit de prendre pour ligne de démarcation entre les territoires des deux Puissances une ligne tracée de l'ouest vers l'est, par le milieu du canal qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles jusqu'à ce qu'elle touche la terre ferme.

De là se prolongeant dans la même direction sur la terre ferme jusqu'à un point distant de la côte de 10 lieues marines, la ligne remonteroit de ce point vers le nord et le nord ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de 10 lieues marines du rivage, jusqu'au 140e degré de longitude (de Greenwich) dont elle suivroit alors le prolongement jusqu'à la Mer Polaire.

deprive His Britannic Majesty of the sovereignty over these inlets and small bays which are to be found between the 56th and 54th 45′ degree of latitude, many of which (as there is every reason to believe) communicate directly with the Establishments of the Company of Hudson's Bay, and would, consequently, be of vital importance to its trade, while, on the other hand, the Russian-American Company does not possess any settlements on the mainland between the two above-mentioned parallels, not even on the Prince of Wales' Island, nor on the islands which lie between the aforesaid and the mainland.

In accepting the terms of the proposal made by Sir Charles Bagot, in his first Conference with the Russian Plenipotentiaries, there would be (as it appears) only one inconvenience to Russia, that which might arise from the right which the United States would perhaps claim, in virtue of their Convention with Great Britain of the year 1818, of free navigation through the waters between the Island of King George and the mainland, thereby interfering in some way with the trade of His Imperial Majesty's subjects in these waters.

In order to remove this inconvenience and to confirm in favour of Russia the absolute sovereignty over these waters and over all the islands and the coast where there are actually to be found Russian Establishments, Great Britain would propose to take as a line of demarcation between the territories of the two Powers a line running from west to east, through the middle of the channel which divides the Prince of Wales' Islands and the Islands of the Duke of York from all the islands lying to the north of the said islands until it strikes the mainland.

Thence, extending in the same direction upon the mainland as far as a point 10 marine leagues distant from the coast; from this point the line would follow a northerly and north-westerly direction parallel to the sinuosities of the coast and always at a distance of 10 marine leagues from the shore as far as the 140th degree of longitude (of Greenwich), the prolongation or extension of which would be followed as far as the Polar Sea.

[Enclosure 3 in No. 44.]

Observations of Russian Plenipotentiaries on Sir C. Bagot's amended proposal.

Le motif qui a fait proposer l'adoption du principe des convenances mutuelles, et le premier avantage de ce principe, c'est d'empêcher que les Établissemens respectifs sur la côte nord-ouest ne puissent se nuire les uns aux autres et entrer en collision.

The motive which has prompted the adoption of the principle of mutual conveniences and the first advantage of this principle is to prevent the respective Establishments on the north west coast from injuring each other and coming into conflict.

Les Établissemens Anglois de la Compagnie de la Baie de Hudson et du Nord-Ouest tendent à se porter vers l'ouest par les 53e et 54e degrés de latitude septentrionale.

Les Établissemens Russes de la Compagnie Américaine tendent à descendre au sud vers le 55e parallèle, et au delà, car il est à remarquer que si la Compagnie Américaine n'a point encore formé d'Etablissemens fixe sur la ligne mathématique du 55e degré, il n'en est pas moins vrai qu'en vertu de son privilège de 1799, privilège contre lequel aucune Puissance n'a jamais réclamé, elle exploite la chasse et la pêche dans ces parages, et que régulièrement elle occupe les îles et les côtes avoisinantes dans la saison qui lui permet d'y envoyer ses chasseurs et ses pêcheurs.

Il étoit donc de la convenance mutuelle des deux Empires d'assigner de justes limites à des progrès réciproques qui ne pouvaient qu'occasionner avec le temps les plus fâcheuses complications.

Il étoit aussi de leur convenance mutuelle de déterminer ces limites d'après les séparations naturelles qui forment toujours les frontières les plus distinctes et les plus certaines.

C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud, le Portland Channel, dont l'origine dans les terres est par le 56e degré de latitude nord, et, à l'est, la chaîne de montagnes, qui suit à une très petite distance les sinuosités de la côte.

72 D'après les Cartes les plus récentes et les meilleures publiées en Angleterre, les Établissemens de la Compagnie de la Baie de Hudson ne se rapprochent des côtes que par le 53e et le 54e degré, et l'on ne sauroit prouver que sur aucun point ils arrivent jusqu'au grand Océan.

Cependant, d'après le principe des convenances mutuelles, le projet d'arrangement des Plénipotentiaires de Russie, laisse ouverts à l'extension successive des Colonies Anglaises:—

1. Toute la partie de la côte située entre l'embouchure du Portland Channel et le 51e degré de latitude nord, envisagée comme limite des possessions Russes dans l'Oukase du 4 (16) Septembre, 1821.

2. Tout le territoire situé entre les Établissemens Anglois au 54e parallèle et l'origine du Portland Channel, qui est au 56e parallèle.

3. Tout le territoire situé derrière la chaîne de montagnes dont il a été question ci-dessus jusqu'au point d'intersection du 139e degré de longitude, méridien de Greenwich.

Les Plénipotentiaires de Sa Majesté Impériale, prévoyant même le cas où, sur

The English Establishments of Hudson's Bay Company and of the North-west Company show a disposition to extend towards the west by the 53rd and 54th degrees of north latitude.

The Russian Establishments of the American Company seem to move south towards the 55th parallel and beyond, as it is to be observed that if the American Company has not yet formed permanent settlements on the mathematical line of the 55th degree, it is none the less a fact that in virtue of its privilege of 1799, against which no Power has ever entered a protest, they carry on the chase and fishing in these regions and that as a rule it occupies the islands and the adjoining coasts during the season which allows for the sending there of its hunters and fishermen.

It was then of a reciprocal convenience for the two Empires to assign proper limits to mutual improvements which with time could have only occasioned most serious complications.

It was also convenient that both parties should determine these limits, taking into consideration the natural divisions which always form the most distinct and indisputable frontiers.

For these reasons the Russian Plenipotentiaries have proposed as the limits on the coast of the continent, to the south, the Portland Channel, whose head is about the 56th degree of north latitude, and to the east the chain of mountains which follow at a very small distance the windings of the coast.

According to the most recent and best maps published in England, the Establishments of the Hudson's Bay Company come near to the coast only towards the 53rd and 54th degrees, and it cannot be proved that at any point they reach the Pacific Ocean.

However, according to the principle of mutual conveniences, the draft of agreement of the Russian Plenipotentiaries leaves open to the gradual extension of the English Colonies:—

1. All that part of the coast lying between the mouth of Portland Channel and the 51st degree of latitude north, considered as Russian possessions in the Ukase of September $\frac{4}{16}$ 1821.

2. All the territory lying between the English Establishments on the 54th parallel and the head of Portland Channel, which lies by the 56th parallel.

3. All the territory situated behind the chain of mountains referred to previously, as far as the point of intersection of the 139th degree of longitude, meridian of Greenwich.

The Plenipotentiaries of His Imperial Majesty, foreseeing even the case when

la lisière de la côte qui appartiendroit à la Russie, il se trouveroit des fleuves au moyen desquels les Établissemens Anglois pourroient communiquer avec l'Océan, se sont empressés d'offrir par une stipulation éventuelle, la libre navigation de ces fleuves.

Ils ont, en outre, annoncé à son Excellence Sir Charles Bagot que le port de Novo-Archangelsk sera ouvert au commerce des sujets de Sa Majesté le Roi de la Grande-Bretagne.

D'autre part, les Plénipotentiaires de Russie ont l'honneur de lui observer itérativement, que sans une lisière sur la côte du continent à partir du Portland Channel, les Établissemens Russes des îles du voisinage n'auroient aucun point d'appui; qu'ils seroient à la merci de ceux que des étrangers formeroient sur la terre ferme, et que tout arrangement semblable, loin d'être fondé sur le principe des convenances mutuelles, ne présenteroit que des dangers à l'une des Parties et des avantages exclusifs à l'autre.

On ne parlera point ici des deux pointes de l'Ile du Prince de Galles, qui sont situées au-dessous de la ligne du 55e degré de latitude nord. Ces deux pointes ne pourroient être d'aucune utilité à la Grande-Bretagne, et si les neuf-dixièmes de l'Ile du Prince de Galles appartiennent à la Russie, il est évidemment d'un intérêt réciproque que l'île lui appartienne toute entière.

Ce court exposé suffit pour justifier le projet que les Plénipotentiaires de Sa Majesté Impériale ont remis à Sir Charles Bagot, et sur la teneur duquel ils ne peuvent qu'insister.

Ils espèrent, au reste, que les intentions qui ont dicté ce projet seront appréciées tant par l'Ambassadeur de Sa Majesté Britannique que par son Gouvernement.

on the strip of the coast which would belong to Russia there should happen to be rivers by means of which the English Establishments might have communication with the ocean, have hastened to offer, by a contingent stipulation, the free navigation of these rivers.

Moreover, they have notified His Excellency Sir Charles Bagot that the port of Novo-Archangelsk would be opened to trade for the subjects of His Majesty the King of Great Britain.

On the other hand, the Russian Plenipotentiaries have the honour to remind him, once more, that without a strip of land on the coast of the continent from Portland Channel, the Russian Establishments on the adjoining islands would be left unsupported, that they would be left at the mercy of those Establishments which foreigners might form on the mainland, and that all settlement of this nature, from being grounded upon the principle of mutual conveniences, would offer only dangers to one of the parties and exclusive gains to the other.

Mention will not be made here of the two headlands of Prince of Wales' Island, which are situated below the line of the 55th degree of north latitude. The two headlands could not be of any use to Great Britain, and if the nine-tenths of the Prince of Wales' Island belong to Russia, it is evidently of a reciprocal interest that the whole island should belong to it altogether.

This short statement sufficiently justifies the draft which the Plenipotentiaries of His Imperial Majesty have delivered to Sir Charles Bagot, and upon the contents of which they must insist.

Moreover, they hope that the intentions which have prompted this draft will be equally appreciated by His Britannic Majesty's ambassador and by his Government.

[Enclosure 4 in No. 44.]

Reply by Sir C. Bagot to observations of Russian plenipotentiaries.

La découverte ou la simple occupation de quelques îles situées sur la côte d'un continent ne peut donner aucun droit à la souveraineté de la terre ferme voisine, principe qui n'est pas moins fondé sur l'opinion reconnue des juristes les plus célèbres, que sur l'usage universellement observé entre les nations.

D'après ce principe, Sir Charles Bagot a constamment soutenu dans les Conférences qu'il a eu l'honneur d'avoir avec les Plénipotentiaires de Russie, que Sa

The discovery or the mere occupation of some islands situated along the coast of a continent cannot give a right to the supremacy over the adjoining mainland, a principle which is based just as much upon the recognised opinion of the most noted jurists, as upon the usage universally observed between nations.

In accordance with this principle, Sir Charles Bagot has always contended, in the conferences which he had the honour to have with the Russian Plenipotentia-

Majesté Britannique ne sauroit admettre que les droits de la Russie sur la côte
73 nord-ouest du Continent d'Amérique puissent s'étendre vers le midi sur ce continent au delà du point où la Russie aura actuellement formé des Établissemens.

Il n'a jamais été affirmé par les Plénipotentiaires de Sa Majesté Impériale que la Russie possède des Établissemens quelconques sur la terre ferme au sud du 60e ou 59e degré de latitude nord, mais ils ont déclaré que, privée d'une lisière sur la terre ferme, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir ses Établissemens sur les îles, qui seroient dès lors sans point d'appui et ne pourroient avoir aucune solidité.

Tout argument fondé sur la considération de la convenance pratique de la Russie ne pouvoit être que du plus grand poids, et le Plénipotentiaire de Sa Majesté Britannique n'hésita pas d'abandonner, en conséquence de cette observation des Plénipotentiaires de Russie, la ligne de démarcation qu'il avoit d'abord proposée, savoir, celle qui devoit passer par le milieu de Chatham Straits jusqu'à l'extrémité septentrionale de Lynn Canal et de là à Mont Elias, ou à l'intersection du 140e degré de longitude, et d'en proposer une autre qui assureroit à la Russie non seulement une lisière sur le continent, vis-à-vis de l'Établissement le plus méridional qu'elle possède sur les îles, mais qui lui assureroit aussi la possession de toutes les îles et les eaux qui l'avoisinent, ou qui se trouvent placées entre cet Établissement et la terre ferme, la possession enfin de tout ce qui se pourroit devenir, par la suite, de quelque utilité, ou pour sa solidité ou pour sa prospérité.

Mais le Plénipotentiaire de Sa Majesté Britannique ne peuvent pas admettre que la Russie accorderoit ou assureroit à Sa Majesté Britannique un nouvel avantage par sa renonciation à la partie de la côte située entre l'embouchure du Portland Canal et le degré de latitude envisagé comme limite des possessions Russes dans l'Oukase de 1821, ni même par sa renonciation à toute partie du continent au midi des Établissemens qui y ont été déjà formés; car, quand même Sa Majesté Britannique eût jamais reconnu ce degré de latitude comme formant la ligne de démarcation en autant qu'il regarde les îles, elle ne pourroit, d'après le principe énoncé plus haut, l'avoir reconnu comme limite sur le continent voisin, sur lequel la Compagnie de la Baie de Hudson avoit déjà établi plusieurs de ses postes les plus importants.

ries, that His Britannic Majesty could not admit that the rights of Russia over the northwest coast of the continent of America could be extended towards the south on this continent beyond the point where Russia has, at this day, Establishments already founded.

The Plenipotentiaries of His Imperial Majesty never expressed the opinion that Russia possesses any Establishments whatever on the mainland south of the 60th or 59th degree of north latitude, but they have declared that, without a strip of coast on the mainland, the Russian-American Company would be left without means of supporting its Establishments upon the Islands, which would then be left without protection and could not have any stability.

Any argument, based upon the consideration of the practical convenience to Russia could not fail to be of the greatest weight, and the Plenipotentiaries of his Britannic Majesty did not hesitate, in consequence of this observation of the Russian Plenipotentiaries, to give up the line of demarcation which he had at first proposed, that is to say, the line which should have passed by the middle of Chatham Straits as far as the northern extremity of Lynn Canal, and from thence to Mount Elias, or to the intersection of the 140th degree of longitude, and to propose another line which would secure to Russia not only a strip of coast on the Continent, opposite to the southernmost Establishment which she possesses on the islands, but which would secure to her also the possession of all the islands and the waters adjacent, or which are to be found between this Establishment and the mainland, in a word the possession of anything which in the future might become of some utility either on account of its stability or for its prosperity.

But the Plenipotentiary of His Britannic Majesty cannot admit that Russia would grant or ensure to His Britannic Majesty a further advantage by her giving up that part of the coast lying between the mouth of Portland Channel and the degree of latitude considered as the limit of the Russian possessions in the Ukase of 1821, nor even by her giving up all claims to any part of the Continent south of the Establishments which have already been formed; for even if His Britannic Majesty had ever recognised that degree of latitude as constituting the line of demarcation, as far as it affects the islands, she could not, according to the aforesaid principle, have recognised it as a boundary on the neighbouring continent upon which the Hudson's Bay Company had already established many of its most important trading posts.

Cette Compagnie a en effet, des Établissemens même près de la côte, au nord du 55e degré; Sa Majesté Britannique ne pourroit donc sans sacrifier les intérêts de la Compagnie renoncer à ses droits à la souveraineté de la côte, et des Iles qui en dépendent immédiatement, jusqu'à la hauteur de 56° 30′ de latitude nord, quel que soit le degré de latitude que l'on pourra définitivement convenir de prendre pour limite entre les deux Puissances, en autant qu'il concerne les Iles situées plus à l'ouest.

L'origine du Portland Canal peut être, comme il y a lieu de croire, l'embouchure de quelque fleuve qui coule par le milieu du pays occupé par la Compagnie de la Baie de Hudson, et il est par conséquent d'une importance majeure à la Grande-Bretagne d'en posséder la souveraineté des deux rives.

Ce fut dans l'espoir de pouvoir concilier ces objets indispensables avec ceux du Gouvernement Impérial, et déterminer sans plus de délai une question, qu'il paraissoit être également de l'intérêt des deux parties d'arranger définitivement au moment actuel, que le Plénipotentiaire de Sa Majesté Britannique eût l'honneur de proposer dans sa dernière Conférence avec les Plénipotentiaires de Russie, une ligne de démarcation, qui tout en conservant à la Russie pour limite méridionale sur les Iles le degré de latitude désigné par l'Oukase de 1799, assigneroit en même tems à la Grande-Bretagne pour limite sur la côte de la terre ferme la latitude de 56° 30′ nord.

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Il semble qu'une ligne tracée de l'extrémité méridionale du détroit nommé "Duke of Clarence's Sound" par le milieu de ce détroit jusqu'au milieu du détroit qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les Iles situées au nord des dites îles, de là, vers l'est par le milieu du même détroit jusqu'à la terre ferme, et se prolongeant ensuite dans la direction, et de la manière déjà proposées par le Plénipotentiaire de Sa Majesté Britannique jusqu'à Mont Elias, ou à l'intersection du 140e degré de longitude, formeroit une ligne de démarcation qui concilieroit les convenances mutuelles des deux Parties, et qui assureroit peut-être d'une manière satisfaisante les intérêts réciproques tant actuels que futurs des deux Empires dans cette partie du globe.

This Company has effectually some Establishments near the coast, north of the 55th degree; therefore His Britannic Majesty could not, without sacrificing the interests of the Company, abandon his rights to the sovereignty over the coast and the islands contiguous thereto, as far as the 56° 30′ of north latitude, whatsoever may be the degree of latitude which will be definitely agreed upon as boundary between the two Powers, so far as it affects the islands situated more to the west.

The head of Portland Channel may be, as there is reason to believe, the mouth of some river which runs through the middle of the territory occupied by the Hudson's Bay Company, and it is therefore of paramount importance for Great Britain to possess the sovereignty over both shores.

It was in the hope of conciliating these most important points with the views of the Imperial Government, and without any further delay settling a question which it seemed to be to the interest of both parties to have definitely arranged at the present moment, that the Plenipotentiary of His Britannic Majesty had the honour, in his last Conference with the Russian Plenipotentiaries, to propose a line of demarcation which, while securing to Russia as its southern boundary to the islands, the degree of latitude mentioned by the Ukase of 1799, would, at the same time, assign to Great Britain as boundary on the mainland coast the latitude of 56° 30′ north latitude.

It seems that a line drawn from the southern extreme end of the Straits called "Duke of Clarence's Sound," through the middle of this strait as far as the middle of the straits which divide the Prince of Wales and the Duke of York's Islands from all the islands lying to the north of the aforesaid islands, from thence eastward, through the middle of the same channel as far as the mainland, and extending therefrom in the same direction and manner already proposed by the Plenipotentiary of His Britannic Majesty as far as Mount Elias, or to the intersection of the 140th degree of longitude, should form a line of demarcation which would conciliate the mutual conveniences of both Parties and would perhaps secure in a satisfactory way the reciprocal interests, present and future, of both Empires in that part of the world.

[Inclosure 5 in No. 44.]

Final decision of Russian Plenipotentiaries.

ST. PÉTERSBOURG, *le 17 (29) mars, 1824.*

Les Plénipotentiaires de Russie ont porté à la connoissance de l'Empereur, leur Maître, les dernières propositions qui leur ont été faites par Sir Charles Bagot, relativement à la ligne de démarcation qui sépareroit les possessions Russes des possessions Angloises sur la côte nord-ouest du Continent de l'Amérique.

Attentivement examinées par Sa Majesté Impériale, ces propositions ne lui ont point paru de nature à pouvoir être acceptées.

L'Empereur charge ses Plénipotentiaires de déclarer itérativement à M. l'Ambassadeur d'Angleterre:

Que la possession de l'Ile du Prince de Galles, sans une portion de territoire sur la côte située vis-à-vis de cette île, ne pourroit être d'aucune utilité à la Russie.

Que tout l'Établissement formé sur la dite île, ou sur celles qui l'environnent, se trouverait en quelque sorte tourné par les Établissemens Anglois de la terre ferme, et complèttement à la merci de ces derniers.

Qu'en conséquence un arrangement semblable ne serait nullement conforme au principe des convenances mutuelles.

Qu'au reste, d'après le témoignage des Cartes les plus récentes publiées en Angleterre, il n'existe aucun Établissement Anglais ni sur la côte même du continent ni au nord du 54° de latitude septentrionale.

Qu'ainsi, quand les limites fixées aux possessions Russes par la Charte de 1799, n'auraient point en leur faveur depuis vingt-cinq ans le consentement tacite de toutes les Puissances, encore la Russie exerceroit-elle sur cette partie de la côte précisément les mêmes droits que la Grande-Bretagne, d'où il résulte que la question devrait toujours être résolue, non d'après les intérêts exclusifs d'un des deux Empires, mais de manière à concilier leurs intérêts réciproques.

Qu'enfin, quant à la navigation des fleuves, la Russie croyait avoir offert à la Grande-Bretagne tous les avantages et toutes concessions que celle-ci peut désirer.

75 Et que dans cet état de choses les Plénipotentiaires de Sa Majesté Impériale avoient ordre d'insister sur leurs propositions antérieures, propositions dont ils ont amplement développé les motifs à son Excellence M. de Chevalier Bagot.

L'Empereur espère que ces motifs seront appréciés par le Gouvernement de

ST. PETERSBURG, *March 29, 1824.*

The Plenipotentiaries of Russia have brought to the knowledge of the Emperor, their master, the last proposals which have been laid before them by Sir Charles Bagot with regard to the line of demarcation which would separate the Russian possession from the English possession on the north coast of the Continent of America.

Carefully examined by His Imperial Majesty, these proposals have not appeared to be of such a nature that they could be accepted.

The Emperor instructs his Plenipotentiaries to declare once again to the Ambassador of England:

That the possession of Prince of Wales' Island, without a portion of territory on the coast opposite this island, could not be of any use to Russia.

That any Establishment formed on the said island, or on those around it, would, in some manner, be turned by the English Establishments of the mainland, and be completely at the mercy of the latter.

That, therefore, such an arrangement would not be conformable in any manner to the principle of mutual convenience.

That, moreover, from the examination, testimony of the most recent maps published in England, there are evidently no English settlements on the coast even of the continent nor north of the 54th degree of north latitude.

That, therefore, even if the limits assigned to the Russian possession by the charter of 1799 did not have in their favour for the last twenty years the tacit acceptance by all the Powers, still Russia would exercise on that portion of the coast precisely the same right as Great Britain; hence it is inferred that the question should always be resolved not from the exclusive point of view of the interests of one of the two Empires, but in such a manner as to conciliate their reciprocal interests.

That, finally, with regard to the navigation of the rivers, Russia thought she had offered to Great Britain all the advantages and concessions that the latter could desire.

And that this being the case, the Plenipotentiaries of His Imperial Majesty had been instructed to insist on their former proposition, motives of which have been fully explained by them to Sir Charles Bagot.

The Emperor hopes that these motives will be appreciated by the Government

Sa Majesté Britannique et que M. l'Ambassadeur d'Angleterre les fera valoir avec ce désir de rapprocher les opinions respectives qu'il a manifesté dans tout le cours de cette négociation.

Sa Majesté Impériale est au regret de ne pas la voir terminée dès à présent; mais elle se flatte que les résolutions définitives du Cabinet de Londres empêcheront sans doute ces pourparlers de demeurer stériles.

of His Britannic Majesty, and that the Ambassador of England will bring them forth with that desire to conciliate the respective opinions which he has shown all through this negotiation.

His Imperial Majesty regrets to see it not brought to an end at present, but he is in hopes that the final resolutions of the London Cabinet will, without doubt, prevent these conferences from falling through.

Saint-Petersburg, the 17th–29th March, 1824.

[Inclosure 6 in No. 44.]

Memorandum.

La Compagnie Russe-Américaine a été munie à différentes époques de la part des Missions étrangères accrédités près la Cour Impériale de Russie de certificats destinés à assurer appui et protection aux navires que la dite Société dirige vers les contrées soumises à la domination des Puissances amies.

Sachant apprécier tous les avantages d'une assistance aussi efficace, la Compagnie vient de s'adresser au Ministère Impérial dans le but d'obtenir par son intervention une lettre de protection d'usage pour le vaisseau "Hélène," commandé par le Lieutenant de la Marine Tchistiakoff.

Ce bâtiment, dont la destination est de porter des provisions aux Colonies de la Compagnie, s'occupera en même tems de recherches scientifiques dans les parages vers lesquels il dirige sa course.

En conséquence, le Soussigné a l'honneur de prier son Excellence M. le Chevalier de Bagot, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, de vouloir bien lui transmettre, à l'usage du Lieutenant Tchistiakoff, un certificat lequel, en spécifiant le but de l'expédition, réclamerait en faveur du commandant et de l'équipage un accueil hospitalier, et s'ils se trouvaient dans le cas d'y avoir recours, une assistance efficace de la part des autorités Britanniques.

Le Soussigné se plairait à reconnaître dans un accueil favorable à la demande qu'il vient d'exprimer au nom de la Compagnie Russe-Américaine une nouvelle preuve des relations amicales qui existent entre les deux Cours, et il saisit, &c.

(Signé) NESSELRODE.

ST.-PETÉRSBOURG, *le 12 Mars, 1824.*

The Russian-American Company has been supplied, at different times, by the Foreign Missions having credentials for the Imperial Court of Russia, with certificates designed to insure help and protection to the ships which the said company sends towards the countries under the dominion of friendly powers.

Fully aware of the advantages of such an effective assistance, the company has just applied to the Imperial Ministry, with a view of securing by its intervention an ordinary letter of protection for the ship *Hélène*, commanded by the Marine Lieutenant Tchistiakoff.

The ship, whose mission is to transport provisions to the companies' settlements will, in the meantime, undertake scientific researches in the regions towards which it is to sail.

Therefore, the undersigned has the honour to request His Excellency Sir Charles Bagot, Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty, to kindly forward for the use of Lieutenant Tchistiakoff, a certificate which, while specifying the object of the expedition, would claim in favour of the commandant and the crew an hospitable reception and, if needed, an effective assistance from the British authorities.

The undersigned would find it agreeable to recognise, in a favourable reply, to the request which he has made on behalf of the Russo-American Company, another proof of the friendly relations existing between the two courts.

(Signed) NESSELRODE.

ST. PETERSBURG, *12th March, 1824.*

Comte de Nesselrode to Comte de Lieven.

SAINT-PÉTERSBOURG, *Avril 5, 1824.*

M. LE COMTE: Par mes dépêches du 17 de ce mois, j'ai fait connoître à votre Excellence les résultats peu satisfesans de nos négociations avec Sir Charles Bagot, relatives aux frontières qui doivent séparer les possessions Russes des possessions Angloises par le côte nord-ouest de l'Amérique.

Aujourd'hui, M. le Comte, je vous développerai les motifs qui ne nous ont pas permis d'accepter les propositions de l'Ambassadeur d'Angleterre.

76 Pour ne pas entrer sans nécessité dans de trop longs détails, je me bornerai à discuter ici le point de la question sur lequel nous n'avons pû tomber d'accord.

L'Oukase du 4 (16) Septembre 1821, avoit porté jusqu'au 51° de latitude septentrionale les limites des domaines de la Russie sur la côte nord-ouest du Continent Américain.

Cependant l'Empereur s'étant convaincu que presqu'à la même époque la Compagnie Angloise de la Baie d'Hudson avoit formé des Établissemens par les 53° et 54° de latitude septentrionale, et que ces Établissemens n'étoient même plus très éloignés de la côte, nous autorisa à donner, dès l'ouverture des négociations, une preuve de ses intentions conciliantes, en déclarant à Sir Charles Bagot que nous nous tiendrions aux limites assignées à nos possessions Américaines par la Charte de l'Empereur Paul, qu'en conséquence la ligne du 55e degré de latitude septentrionale, constitueroit du midi la frontière des États de Sa Majesté Impériale, que sur le continent et vers l'est, cette frontière pourroit courir le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont Élie, et que de ce point jusqu'a la Mer Glaciale nous fixerions les bornes des possessions respectives d'après la ligne du 140e degré de longitude ouest méridien de Greenwich.

Afin de ne pas couper l'Ile du Prince de Galles, qui selon cet arrangement devoit rester à la Russie, nous proposions de porter la frontière méridionale ne nos domaines au 54° 40′ de latitude et de la faire aboutir sur le Continent au Portland Canal, dont l'embouchure dans l'Océan est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude.

Cette proposition ne nous assurroit qu'une étroite lisière sur la côte même, et elle laissoit aux Etablissemens Anglois tout l'espace nécessaire pour se multiplier et s'étendre.

Vous verrez, M. le Comte, par les pièces ci-jointes, qu'en outre nous annon-

ST. PETERSBURG, *April 17, 1824.*

M. LE COMTE: By my despatches of the 17th of this month I have brought to the notice of Your Excellency the unsatisfactory results of our negotiations with Sir Charles Bagot concerning the frontiers which must separate the Russian possessions from the English possessions on the north-west coast of America.

I shall to-day, M. le Comte, set forth the motives which have prevented us from accepting the proposal of the British Ambassador.

In order to avoid too long details I shall restrict myself to discuss the point of the question on which we have failed to agree.

The Ukase, $\frac{4}{16}$ September, 1821, had carried up to the 51 degree of north latitude the limits of the domain of Russia on the northwest coast of the American continent.

The Emperor, however, having been convinced that about the same time the English Company of Hudson Bay had formed settlements in the 53rd and 54th degrees of north latitude and that these settlements were not even very far from the coasts, authorised us to give, at the very opening of the negotiations, a proof of his conciliatory intentions, by declaring to Sir Charles Bagot that we would hold to the limits assigned to our American possessions by the charter of the Emperor Paul, that therefore the line of the 55th degree of north latitude would constitute the southern frontier of His Imperial Majesty's possessions, that on the continent and towards the east this frontier could run along the mountains which follow the windings of the coast as far as Mount Elias, and that from this point up to the Arctic Ocean we would fix the boundaries of the respective possessions according to the line of the 140th degree of west longitude (Greenwich meridian).

In order to avoid intersecting the Prince of Wales' Island, which, according to this arrangement, should belong to Russia, we proposed to carry the Southern frontier of our domains to the 54th degree 40′ of latitude and to make it strike on the continent the Portland Canal, the mouth of which on the ocean lies at the height of Prince of Wales' Island and the head inland between the 55th and 56th degree of latitude.

This proposition only secured to us a narrow strip on the coast itself and left to the English establishments all the space required for tneir increase and extension.

You will see, M. le Comte, by the enclosed documents that we announced,

çions l'ouverture du port de Novo-Archangelsk et que nous promettions la libre navigation des fleuves qui se trouveroient sur notre territoire.

Après quelques discussions, les dernières contre propositions de Sir Charles Bagot furent de comprendre tout l'Ile du Prince de Galles dans les possessions de la Russie, mais de stipuler que notre frontière suivroit de cette île la passe dite *Duke of Clarence's Sound*, et qu'elle n'aboutiroit à la côte qu'au-dessus du 56° du latitude septentrionale.

Cette différence, si on la considère sur la Carte, paroit insignifiante au premier coup d'œil; elle est néanmoins si essentielle pour nous, qu'il nous est absolument impossible d'adhérer au plan de démarcation tracé par le Plénipotentiaire de Sa Majesté Britannique.

Nous lui avons exposé, dans notre réponse à sa seconde note verbale et dans notre réplique du 18 Mars, des considérations que nous ne pouvons perdre de vue et qui nous semblent décisives. L'Empereur vous charge, M. le Comte, d'inviter le Cabinet de St. James à les peser avec la plus mûre attention, et Sa Majesté se flatte qu'a la suite d'un examen impartial il s'empressera lui-même de reconnoître combien nos raisons sont graves et légitimes.

En premier lieu, aucun État n'a réclamé contre la Charte de l'Empereur Paul, et ce silence universel peut et doit être envisagé comme une reconnoissance de nos droits.

On nous objecte que nous n'avons pas formé d'Établissemens établis sur la côte nord-ouest au-dessous du 57° de latitude. Cela est vrai, mais dans la saison de la chasse et de la pêche la côte et les eaux avoisinantes sont exploitées par
77 notre Compagnie Américaine bien au delà du 55° et du 54° parallèle. Ce genre d'occupation est le seul dont ces parages soient susceptibles, ou du moins le seul qui soit nécessaire lorsqu'un peu plus au nord on a fondé et organisé des Colonies. Nous sommes donc pleinement en droit d'insister sur la continuation d'un bénéfice que notre commerce s'est assuré dès l'année 1799, tandis que les Compagnies Angloises de la Baie d'Hudson et du Nord-Ouest ont à peine atteint depuis trois ans le voisinage de ces latitudes, tandis qu'elles n'occupent encore aucun point qui touche à l'Océan, et qu'il est notoire que c'est pour l'avenir seulement qu'elles cherchent à s'y ménager les profits de la chasse et de la pêche. Ainsi nous voulons *conserver*, et les Compagnies Angloises veulent *acquérir*. Cette seule circonstance suffit pour justifier nos propositions. Elles ne sont pas moins conformes au principe des convenances mutuelles, qui devoit servir de base à la négociation.

moreover, the opening of the port of New Archangel and that we promised the free navigation of the rivers which run through our territory.

After some discussion the last proposals of Sir Charles Bagot were to the effect that all Prince of Wales' Island should be included in the Russian possessions, but to stipulate that our frontier should follow from that island the passage called Duke of Clarence Sound, and that it would strike the coast only above the 56th degree of north latitude.

This difference, if considered on the map, seems, at first sight, to be of no importance: it is, however, such a material point to us, that it is entirely impossible for us to acquiesce in the proposed demarcation as traced by the Plenipotentiary of His Britannic Majesty.

In our answer to his second verbal note, and in our rejoinder of the 18th March, we have given utterance to considerations which we cannot overlook, and which appear to us as decisive. The Emperor bids you, M. le Comte, to invite the Cabinet of St. James to take them into consideration most seriously, and His Majesty hopes that, after an impartial examination, he will himself hasten to acknowledge how serious and legitimate are our motives.

In the first place, no Power has protested against the Charter of Emperor Paul, and this general silence can and must be considered as an admission of our rights.

It has been objected that we have not founded permanent Establishments on the northwest coast south of the 57th degree of latitude. This is true, but during the hunting and fishing season, the coast and the adjoining waters are visited for that purpose by our American Company much further than the 55th and 54th parallel. This mode of occupation is the only one practicable in these regions, or at least the only one necessary when a little further north we have established and organised Colonies. We are then fully justified in pressing the continuance of a privilege which our trade has secured since the year 1799, whereas the English Companies of Hudson's Bay and of the North-West have hardly, within the last three years, reached the neighbourhood of these latitudes, whilst they do not yet occupy any point contiguous to the Ocean, and that it is a known fact that it is only for the future that they are endeavouring to secure the benefits of the fur trade and of fishing. In short, we desire to keep and the English Companies want to acquire. This view alone is sufficient to justify our proposals. It is none the less in conformity with the principle of mutual conveniences which must serve as a basis to the negotiation.

Si l'Ile du Prince de Galles nous demeure, il faut qu'elle puisse nous être de quelque utilité. Or, d'après le plan de l'Ambassadeur de l'Angleterre, elle ne seroit pour nous qu'une charge et presque un inconvénient. Cette Ile, en effet, et les Établissemens que nous y formerions, se trouveroient entièrement isolés, privés de tout soutien, enveloppés par les domaines de la Grande-Bretagne et à la merci des Établissemens Anglois de la côte. Nous nous épuiserions en frais de garde et de surveillance dont aucune compensation n'allégeroit le fardeau. Un arrangement pareil reposeroit-il sur le principe des convenances mutuelles?

Nous invoquons toutefois ce principe avec d'autant plus de justice que l'Angleterre elle-même a prouvé par un acte authentique qu'elle regardoit comme douteux ses droits sur le territoire dont elle demande l'abandon. La Convention passée le 20 Octobre, 1818, entre la Cour de Londres et les États-Unis, déclare propriété commune des deux Puissances pour dix ans toute l'étendue de pays comprise entre les *Rocky Mountains*, l'Océan Pacifique, et les possessions Russes. Les titres des États-Unis à la souveraineté de ce pays sont donc aussi valables que ceux de l'Angleterre. Cependant, le Cabinet de Washington a reconnu que nos limites devoient descendre jusqu'au 54° 40′. Il l'a reconnu par une transaction formelle que nous venons de parapher avec son Plénipotentiaire, et cette reconnaissance n'a point pour conséquence unique de fortifier nos argumens, elle nous procure d'autres résultats auxquels nous attachions, avec raison, le plus haut intérêt.

Tranquilles de ce côté, nous n'avons maintenant aucune crainte à nourrir, et le Cabinet de Londres conviendra sans doute qu'un tel état de choses augmente le prix des sacrifices que nous lui offrons. Déjà il existe une différence de près de quatre degrés entre la démarcation de l'Oukase du 4 (16) Septembre, 1821, et celle que nous indiquons aujourd'hui. Les Établissemens des Compagnies Angloises peuvent occuper cet intervalle. A l'est ils peuvent unir les deux côtes de l'Amérique; au midi rien n'empêche qu'ils n'acquièrent une extension considérable. Pour nous, nous bornons nos demandes à celle d'une simple lisière du continent, et afin de lever toute objection, nous garantissons la libre navigation des fleuves, nous annonçons l'ouverture du port de Novo-Archangelsk.

La Russie ne sauroit pousser plus loin ses concessions. Elle n'en fera pas d'autres, et elle est autorisée à en attendre de la part de l'Angleterre; mais encore une

If the Prince of Wales' Island remains ours, it must be of some utility to us. Now, according to the view of the English Ambassador it would be only a burden to us and almost an inconvenience. Indeed, this Island and the Establishments which would be founded by us, would become altogether isolated, deprived of all support, surrounded by the possessions of Great Britain, and at the mercy of the English Establishments on the coast. The cost of maintenance and of supervision would be ruinous, the burden of which would not be relieved by any compensation. Would an agreement of this nature rest upon the principle of mutual conveniences?

However, we appeal to that principle with the more justice that England herself has demonstrated by an authentic deed that she considered as doubtful her rights upon the territory, the abandonment of which she is requesting. The Convention agreed to on 20th of October, 1818, between the Court of London and the United States recognises as property common to both Powers, for ten years, all that extent of country lying between the Rocky Mountains, the Pacific Ocean, and the Russian dominions. The titles of the United States to the Sovereignty over this country are then as valid as those of England. However, the Washington Cabinet has admitted that our frontier should extend south as far as the 54th degree 40′. They have admitted it by a formal transaction which we have just initialed with its Plenipotentiary; this acknowledgment does not only strengthen our pretentions, but it entails other results which we considered with reason of the utmost interest to us.

Feeling secure on this point, we have now no fear to entertain and the Cabinet of London will certainly admit that such a condition of affairs adds to the value of the concessions we are offering him. There is already a difference of nearly four degrees between the line of demarcation according to the Ukase of September 4/16, 1821, and the line which we propose to-day. The Establishments of the English Company may occupy this gap. Easterly, they can connect both coasts of the continent, nothing prevents them from spreading considerably towards the south. As for us we restrict our demands to a small strip (lisière) of coast on the continent, and in order to dispel all objections whatsoever, we guarantee the free navigation of the rivers, we proclaim the opening up of the port of Novo-Archangelsk.

It is impossible for Russia to make any more concessions. She will not make any more, and she is authorised to expect some from England, but once more, she

fois, elle ne réclame que des concessions négatives. On ne peut effective-
78 ment assez le répéter, d'après le témoignage des Cartes les plus récentes, l'Angleterre ne possède aucun Établissement, ni à la hauteur du Portland Canal, ni au bord même de l'Océan, et la Russie, quand elle insiste sur la conservation d'un médiocre espace de terre ferme, n'insiste au fond que sur le moyen de faire valoir, nous dirons plus, de ne pas perdre les îles environnantes. C'est la position dont nous parlions tout à l'heure; nous ne recherchons aucun avantage, nous voulons éviter de graves inconvéniens.

En resumé, Mons. le Comte, si l'on consulte le droit dans cette négociation, la Russie a celui qu'assurent, d'une part, un consentement tacite, mais incontestable, de l'autre, une exploitation paisible depuis vingt-cinq ans et qui peut être considérée comme équivalente à une occupation continue.

Si l'on invoque le principe des convenances mutuelles, la Russie laisse au développement progressif des Établissemens Anglois, une vaste étendue de côte et de territoire; elle leur assure de libres débouchés; elle pourvoit aux intérêts de leur commerce, et pour compenser tant d'offres dictées par le plus sincère esprit de conciliation, elle se réserve uniquement un point d'appui, sans lequel il lui seroit impossible de garder une moitié de ses domaines.

De telles vues n'ont besoin que d'être présentées dans leur vrai jour pour qu'un Gouvernement comme celui de la Grande-Bretagne sache les apprécier. Douter de son adhésion dans cette circonstance, ce seroit douter de sa justice; et il vous sera facile, l'Empereur se plaît à le croire, d'obtenir le consentement définitif de l'Angleterre à une transaction qui rempliroit nos vœux et nos espérances, en prévenant toute discussion ultérieure.

Recevez, &c.

(Signé) NESSELRODE.

only claims negative concessions. Really it can not be insisted upon too much, that according to the evidence of the most recent maps, England does not possess any Establishments, neither at the head of Portland Channel, neither on the shore of the ocean, and that when Russia persists in claiming the reservation of an unimportant strip on the mainland, it is only as a means to enhance the value, nay more, not to lose the adjacent islands. This is the position we have alluded to previously; we are not asking for any favours, we wish to avoid serious inconveniences.

To summarise, M. le Comte, if we consider what is right in this negotiation we find in favour of Russia what is sanctioned by an implicit but indisputable concensus on the other side, a peaceful occupation during twenty-five years, which may be considered as equivalent to a continuous occupation.

If the principle of reciprocal conveniences is advocated, Russia gives up for the progressive extension of the English Establishments a vast extent of coast and of territory; she guarantees free markets; she makes provision for the interests of their trade, and as a compensation for so many offers inspired by the sincerest spirit of conciliation, she reserves for herself only a point of support, without which it would not be possible for her to keep one half of her dominions.

Such views only require to be presented in their true light to be duly appreciated by a Government like that of Great Britain. To question its acquiescence under these circumstances would amount to question its justice; the Emperor flatters himself to believe that it will be an easy matter for you to obtain the final assent of England to a transaction which would fulfil all our wishes and our hopes by preventing all subsequent discussion.

Please accept, &c.

(Signed) NESSELRODE.

No. 45.

Hudson's Bay Company to Mr. G. Canning.

HUDSON'S BAY HOUSE, *London, April 19, 1824.*

(Received April .)

SIR: I have this morning laid before the Committee of the Hudson's Bay Company Sir Charles Bagot's despatch and papers connected with it, which you did me the honour to intrust to me on Saturday morning, and I am to state that if His Majesty's Government consider it advisable in other respects to accede to the last proposition made by the Russian Government for the arrangement of a line of demarcation

between the possessions of Russia and Great Britain on the coast of North America, they see no reason to object to it, as it will affect their particular interests, and more especially as it appears to secure to them a free access to the sea for the purposes of their trade on the whole coast to the eastward of the 139th degree of longitude.

They beg me, however, to suggest the expediency of some more definite demarcation on the coast than the supposed chain of mountains contiguous to it, and they conceive there can be no difficulty in arranging this point from the expression in the proposition of the Russian negotiators. "La chaîne des montagnes, qui sont à *une très petite distance* des sinuosités de la côte."

Neither party have any very accurate geographical information with respect to the country in the immediate neighbourhood of the sea, and if the intentions of the Russian Government are fairly to be inferred from the words used in their proposal, the most satisfactory manner of settling this point probably would be by inserting in any Article providing for the boundary on the mainland the nearest chain of mountains, not exceeding a few leagues of the coast.

79 I am desired by the Committee further to beg, if these negotiations should be brought to a satisfactory issue, that you would have the goodness to state to the Russian Government their great desire to promote a good understanding and a reciprocity of good offices between the subjects of both nations trading in those remote and inhospitable countries.

I have, &c.

(Signed) J. H. PELLY.

No. 46.

Mr. G. Canning to Sir C. Bagot.

No. 18.] FOREIGN OFFICE, *April 24, 1824.*

SIR: Your despatches to No. 23 inclusive, received here on the 14th instant by the messenger Draffen (after an unusually expeditious journey), have been laid before the King.

The courier whom your Excellency mentioned as being dispatched to Count Lieven at the same time with Draffen has not yet arrived—at least so I learn from Count Lieven, who denies having yet received the instructions which he is promised.

I take advantage of the departure of Sir Alexander Malet, whom His Majesty has been pleased to allow to be attached to your Excellency's Embassy (Mr. Bloomfield, whose assistance I had so long ago promised, not being yet able to leave England), to acknowledge the receipt of your late despatches, but I must refer your Excellency for any detailed observations upon them to what I shall write to you by a messenger, whom I intend to dispatch so soon as I shall have conferred with Count Lieven on the contents of his promised instructions.

I will not, however, defer till that opportunity the informing your Excellency that your conduct in suspending the negotiations with respect to the north-west coast of America, when you found that the modifications, which you judiciously took upon yourself to make in

your instructions, were not met by corresponding concessions on the part of the Russian Government, has received His Majesty's gracious approbation.

I have referred the whole question of this negotiation anew to the Governors of the Hudson's Bay Company, whose Report I expect shortly to receive.

I have some reason to think that that Report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time. It will then remain to consider, after I shall have learnt the tenour of the instructions sent to Count Lieven, whether it may be most expedient for the King's service to carry on the ulterior discussions with the Russian Ambassador here or to authorize your Excellency to resume and conclude the negotiations.

I am, &c.

(Signed) GEORGE CANNING.

No. 47.

Sir C. Bagot to Mr. G. Canning.

No. 25.] ST. PETERSBURGH, *April 5 (17), 1824.*
(Received May 2.)

SIR: Count Nesselrode has informed me that a courier is to be dispatched this evening to London principally, as I believe, for the purpose of carrying out instructions to Count Lieven upon the subject of my late negotiations respecting the north-west coasts of North America; and of replying at the same time to your note to his Excellency upon the subject of the Memoir of this Cabinet upon the pacification of Greece—a note which I have already had the honour to acquaint you has been received by the Emperor with feelings of peculiar satisfaction, and which His Imperial Majesty is desirous of taking an immediate occasion to acknowledge.

80 I avail myself of the opportunity of the departure of this courier to transmit to you the inclosed copy, which I have received confidentially from Count Nesselrode, of the Convention which has been agreed upon between him and M. Poletica on the one part, and Mr. Middleton, the American Minister, on the other, respecting the north-west coasts of North America, and which Convention is, I believe, to be definitely signed this morning by the respective parties.

I have had but little to communicate to you from hence since the date of my despatches by the messenger Draffen. My latest intelligence from Constantinople is still of the 26th March.

You will probably have already learnt from Lord Strangford that M. Minciaky had been under the necessity of applying to his Government for instructions upon the subject of the difficulties which had arisen in regard to the renewal of the tariff with the Porte as it affects Russian vessels. The original tariff between the two countries having expired since the departure of the Russian Mission from Constantinople, it has, as I understand, been attempted by the Porte to subject the Russian trade to some other scale of duties, and a courier was last

night dispatched from hence direct to Constantinople with full instructions to M. Minciaky upon this subject, in order that this incidental question may be disposed of, and thus embarrass as little as possible the more important negotiations between the two countries.

I am not able to inform you accurately of the exact nature of these instructions, but I have no reason to doubt that they have been framed in a moderate and conciliatory sense, and I cannot but think that the circumstance of a Russian courier again arriving at Constantinople directly from this capital may, in itself, produce a favorable effect at the Porte.

No answer has yet been received from the Cabinet of Vienna to the Russian Memoir upon Greece.

Sir William à Court has, no doubt, already acquainted you with the recall of M. Bulgari from Madrid. M. d'Oubril, who had been already named as the Russian Minister at Brussels, has been appointed to proceed as Minister to Spain, and will, I believe, set out very shortly on his journey.

I had this morning the honour to receive by the post your despatch No. 17 of the 30th of last month, respecting the seizure at Mittan of a quantity of goods belonging to Messrs. Shunk and Mylius, and I shall lose no time in making the necessary inquiries into this case.

The Neva broke up the day before yesterday at about 10 o'clock in the morning, and the river is now almost entirely free from ice.

I have, &c.

(Signed) CHARLES BAGOT.

Mr. Pelly (Hudson's Bay Company) to Foreign Office.

[Private.]

3, PORTMAN SQUARE, *May 26, 1824.*

SIR: If it is intended to conclude any treaty with Russia under the present circumstances, the copy of the communication which I saw yesterday embraced all the points which appear necessary to secure the objects of the Hudson's Bay Company, with the exception of a more particular description of how the mountains range with the sinuosity of the coast, as it is possible that those mountains represented in the charts as closely bordering on the sea, and described by the Russians as a "très petite distance," may really be at a very considerable distance from the coast; and to provide for which case the distance ought to be limited, as Sir Charles Bagot proposed, to a few leagues, say, not exceeding 10 from the shores. But the copy of the convention between Russia and America seems to have rendered the concessions proposed to be made by Great Britain (founded on the basis of mutual convenience) quite unnecessary, for by it Russia has bound herself in the 3rd Article not to form any establishment to the southward of 54° 40′, or Prince of Wales Island, and by the 4th Article it is covenanted that for ten years all vessels belonging to the two powers may reciprocally frequent all the harbours for the purposes of trade with the natives.

81 I am at a loss to understand how the great object of the arrangement (the prevention of the collision of the traders of the different powers) is to be attained by these means, or why Great

Britain should cede to Russia the exclusive right to the islands and the coast from lat. 54° 40′ northward to Mount Elias, and to which Russia can have no claim, and knows them only by the English names of George III. and Prince of Wales archipelago. Russia has nothing now to concede in return, the convention with the United States depriving her of the power of forming any establishment to the southward.

The view which I took of the subject when I had the honour of conferring with you thereon was, that it would be more for the interest of all parties that the limits of each power should be defined, and that, as far as the British fur trade was concerned, it would be better for Great Britain to surrender to Russia all claim she had to the Island of Prince of Wales and those to the northward of it, provided Russia surrendered to Great Britain all rights she had to the coasts and islands to the southward from the aforesaid island to the 51° lat. claimed in the famous Ukase. This would have facilitated the proposed arrangement between Great Britain and the United States of making the Columbia the boundary between them, but it appears to me that this Convention between Russia and the United States renders it inexpedient for Great Britain to surrender any part of her claims to that coast unless upon a satisfactory arrangement with the United States as well as with Russia.

I should have to offer my apologies for the freedom with which I have given my sentiments had not Lord Francis Conyngham informed me it was your wish that I should do so.

Believe me, &c. (Signed) J. H. PELLY.

Right Hon. GEO. CANNING.

No. 48.

Mr. G. Canning to Count Lieven.

[Extract.]

FOREIGN OFFICE, *May 29, 1824.*

After mature consideration of the two despatches from Count Nesselrode to your Excellency on the 5th ultimo, copies of which your Excellency had the goodness to put into my hands, I have the satisfaction to acquaint your Excellency that I shall be enabled shortly to send to His Majesty's Ambassador at St. Petersburgh such instructions on the subject-matter of both as shall meet, in a great degree, the wishes of your Court.

1. As to the line of demarcation to be drawn between Russia and British occupation on the north-west coast of America: Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the terms last proposed by the Russian Government.

The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned

to Russia may comprehend. It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September 1821 are to be altogether withdrawn.

No. 49.

Mr. G. Canning to Sir C. Bagot.

No. 22.] FOREIGN OFFICE, *May 29, 1824.*

SIR: I transmit to your Excellency a copy of a letter which I have addressed to Count Lieven upon the subject-matter of two
82 despatches from Count Nesselrode to Count Lieven, which that Ambassador communicated to me, and copies of which I also inclose.

Your Excellency will learn from my letter to Count Lieven that you may expect definitive instructions very shortly, both for the conclusion of the negotiation relating to the north-west coast of America, and to the proposed Conference on the pacification of Greece.

I hope to dispatch a messenger to your Excellency with these instructions in the course of next week.

Meantime the inclosed paper will put your Excellency generally in possession of the sentiments of His Majesty's Government upon these several subjects. But your Excellency will not take any step upon them until you shall have received my promised instructions.

I have, &c.

(Signed) GEORGE CANNING.

Despatch of Count Lieven to Count Nesselrode. * *

LONDON, *May 20/June 1, 1824.*
(Received June 5/17.)

MONSIEUR LE COMTE: Au moment où j'allais expédier à votre Excellence mes rapports de ce jour sub Nos. 84-95, je fus mis en possession de la dépêche qu'elle m'a fait l'honneur de m'adresser sous la date de 5 Avril, et qui contient les dernières propositions de notre Cour, relativement à la ligne de démarcation qui doit séparer les possessions Russes des possessions Anglaises sur la côte nord-ouest de l'Amérique.

Comme la réception de cette pièce avait coincidé avec l'arrivée d'un courrier Autrichien, porteur de l'opinion du Cabinet de Vienne sur le mémoire de notre Cour concernant la pacification de la Grèce, et que dans ses entretiens le Secrétaire d'État m'avait fait entrevoir que la rentrée de ces documens serait suivie de près de la remise des réponses du Gouvernement Britannique, j'ai cru, Monsieur le Comte, devoir profiter de cette double circonstance pour chercher à soumettre au Ministère Impérial par la même voie les déterminations définitives du Cabinet Anglais sur ces deux sujets. Cette considération m'engagea

à remettre le départ du courrier que j'allais diriger sur St. Pétersbourg, et Mr. Canning que j'en informai, me donna l'assurance qu'il me mettrait à même de justifier complètement la cause de ce retard.

Néanmoins, un surcroît de travaux parlementaires, l'arrivée de la réponse du Cabinet de Madrid sur la question des Colonies, et les nouvelles subséquentes de Lisbonne absorbèrent à tel point tous les loisirs du Secrétaire d'État, que ce n'est que depuis hier que j'ai obtenu à force d'instances la réponse que votre Excellence trouvera ci-joint en original et en traduction.

Mr. Canning ayant réuni les deux sujets dans un même cadre, je suivrai l'ordre qu'il a observé, en abordant en premier lieu la question de la négociacion ayant trait à la fixation des limites sur la côte nord-ouest de l'Amérique.

I. Votre Excellence observera par la dépêche de Mr. Canning, que le Gouvernement Anglais consent à admettre les termes dernièrement proposés par notre Cour, et que Sir Charles Bagot va recevoir l'autorisation de signer sur ces bases la convention qui réglera définitivement l'état de nos frontières en Amérique. Les conditions mises à la discrétion de l'Ambassadeur Britannique sur ce point, ne paraîtront peut être pas au Ministère Impériale de nature à diminuer le prix de cette concession.

Elles consistent:

(*a*) "Dans une désignation plus précise des limites dans lesquelles la portion de territoire réclamée par la Russie sur le continent doit être renfermée."

La proposition de notre Cour était de faire courir cette frontière le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont Elie. Le Gouvernement Anglais admet complètement cette ligne telle qu'elle se trouve désignée sur les cartes; mais comme il croit que celles-ci sont imparfaites, et que les montagnes devant servir de frontière pourraient en s'écartant de la côte, au delà de la ligne indiquée, enclaver une étendue de territoire considérable, il désire que celle que nous réclamons soit plus précisément désignée, afin de ne point céder en réalité au delà de ce que notre Cour demande, et de ce que l'Angleterre est disposée à accorder.

(*b*) "Dans la fixation d'un degré de longitude plus occidental
83 que la limite désignée par notre Cour au nord du Mont Elie."

Le Cabinet Impérial a proposé que cette limite soit formé par une ligne de prolongation tracée vers le nord, à partir due 139° de longitude (meridien de Greenwich). En suivant cette direction, la frontière Russe aboutirait selon le Gouvernement Anglais, à l'embouchure supposée de la rivière de Mackenzie, qu'une expédition envoyée tout récemment par ce Gouvernement vient encore d'être chargée d'explorer plus en détail. La fixation de cette limite pourrait donc, à son avis, amener une collision entre les possessions des deux Gouvernements, qu'il est dans l'intérêt et l'intention de tous les deux d'éviter. Pour atteindre ce but, le Cabinet de Londres propose que la ligne de démarcation, en partant due Mont Elie, au lieu de suivre la prolongation due 139° de longitude, prenne une direction plus occidentale suffisant pour l'écarter de l'embouchure de la rivière Mackenzie.

Mr. Canning m'a assuré qu'il a recontré les plus grandes difficultés à faire consentir les compagnies de la baie de Hudson et du Nord-Ouest au plan de démarcation proposé par notre Cour, et qu'elles considèrent

surtout la cession de l'île entière du Prince de Galles comme bien plus importante qu'elle ne semble à la Russie.

A l'observation que j'ai faite au Secrétaire d'État sur l'inutilité des réclamations insérés dans sa réponse, au sujet du libre usage des rivières enclavées dans les possessions Russes ou des mers avoisinantes, et relativement aux droits énoncés dans l'oukase de l'année 1821, sur la navigation exclusive du Nord de l'Océan Pacifique, vû que le premier de ces objets avait été explicitement accordé par notre Cour, et que l'autre point se trouvait aplani par la Convention conclue avec les États-Unis, Mr. Canning me répondit, que ces deux demandes n'avaient pas été articulées par lui pour les faire valoir aux yeux de notre Gouvernement, mais uniquement pour pouvoir lui offrir des argumens contre ses adversaires parlementaires dans le cas où cette pièce serait soumise à la Chambre, et le mettre à même de prouver que, si le Gouvernement Anglais faisait un abandon de droits à la Russie, il n'en stipulait pas moins en même temps une juste réciprocité de concessions. L'arrière-pensée de l'effet que ses actes publics pourront produire au Parlement, perce dans toutes les pièces qui émanent du Secrétaire d'État, et si je n'avais désiré en cette occasion éviter les inconvéniens que j'ai trouvés à plus d'une reprise à me reposer sur de seules explications verbales, je n'aurais point insisté comme je l'ai fait, sur une déclaration écrite, où je m'attendais que le Secrétaire d'État chercherait à couvrir sa responsibilité sous toutes les réserves que le sujet admettait.

(Here follows the Greek question.)

Despatch of Count Lieven to Count Nesselrode. * *

[Translation.]

LONDON, *May 20/June 1, 1824.*
(Received June 5/17.)

COUNT: Just as I was about to send your Excellency my reports of to-day, under Nos. 84–95, I received the despatch which you did me the honour to address me under date of April 5 (17), and which contains the last propositions of our Government with regard to the line of demarcation which is to separate the Russian possessions from the English possessions on the north-west coast of America.

As the receipt of this document coincided with the arrival of an Austrian courier, the bearer of the opinion of the Cabinet of Vienna on the memorandum of our Court concerning the pacification of Greece, and as the Secretary of State had given me reason to expect that the arrival of these documents would be speedily followed by the delivery of the replies of the British Government, I thought, Count, that I ought to avail myself of this double incident to endeavour to submit to the Imperial Ministry, by the same channel, the final decisions of the English Cabinet upon these two subjects. This considera-
84 tion induced me to postpone the departure of the courier, whom I was about to dispatch to St. Petersburg, and Mr. Canning, whom I informed of it, gave me the assurance that he would enable me to give perfectly satisfactory reasons for this delay.

Nevertheless, an increase of parliamentary labours, the arrival of

the reply of the Cabinet of Madrid upon the question of the Colonies, and the subsequent news from Lisbon, absorbed all the leisure of the Secretary of State to such a degree that it was not until yesterday that I obtained, by dint of urgent solicitation, the reply which your Excellency will find inclosed, in the original and in translation.

As Mr. Canning has united the two subjects in the same document, I shall follow the order which he has observed, and shall first take up the question of the negotiations relating to the settlement of the boundaries on the north-west coast of America.

I. Your Excellency will notice by Mr. Canning's despatch that the English Government agrees to accept the terms last proposed by our Court, and that Sir Charles Bagot is about to receive authority to sign, upon these bases, the Convention which will permanently settle the state of our frontiers in America. The conditions placed at the discretion of the British Ambassador on this point will probably not appear to the Imperial Ministry of a nature to diminish the value of this concession.

They consist:

(*a*) Of a more definite description of the limits within which the portion of territory obtained by Russia on the continent is to be inclosed.

The proposition of our Court was to make this frontier run along the mountains which follow the windings of the coast to Mount Elias. The English Government fully accepts this line as it is laid[a] off on the maps; but, as it thinks that the maps are defective and that the mountains which are to serve as a frontier might, by leaving the coast beyond the line designated, inclose a considerable extent of territory, it wishes the line claimed by us to be described with more exactness, so as not to cede, in reality, more than our Court asks and more than England is disposed to grant.

(*b*) Of the selection of a degree of longitude farther to the west than the line designated by our Court north of Mount Elias.

The Imperial Cabinet proposed that this boundary should be formed by a line of prolongation drawn toward the north, beginning at the one hundred and thirty-ninth degree of longitude west of Greenwich. By following this direction the Russian frontier would end, according to the English Government, at the supposed mouth of the Mackenzie River, which an expedition sent very recently by that Government has just been again ordered to explore more in detail. The establishment of that boundary might, consequently, produce a collision between the possessions of the two Governments, which it is in the interests and intentions of both to avoid. In order to attain this end, the Cabinet of London proposes that the line of demarcation, starting from Mount Elias, instead of following the prolongation of the one hundred and thirty-ninth degree of longitude, shall take a more western course, sufficient to divert it from the mouth of the Mackenzie River.

Mr. Canning assured me that he had found the greatest difficulty in gaining the consent of the Hudson Bay and North-West Companies to the plan of demarcation proposed by our Court, and that they regard, especially, the cession of the whole of Prince of Wales Island as of much greater importance than it appears to Russia.

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[a] Marked?

To the remarks which I made to the Secretary of State as to the uselessness of the demands inserted in his reply on the subject of the free use of the rivers inclosed in the Russian possessions, and of the neighbouring seas, and with respect to the rights asserted in the Ukase of the year 1821, concerning the exclusive navigation of the northern part of the Pacific Ocean, as the first of these points had been expressly granted by our Court and the other was settled by the Convention concluded with the United States, Mr. Canning replied that these two demands had not been formulated by him for their weight in the eyes of our Government, but only to furnish him with arguments against his adversaries in Parliament in case this document should be submitted to the House, and to enable him to prove that, if the English Government abandoned any rights to Russia, it none the less stipulated a just reciprocity of concessions. The secret thought of the effect which his public acts may produce in Parliament displays itself in all the documents emanating from the Secretary of State, and if I had not been particularly desirous on this occasion to avoid the inconveniences which I have more than once found in trusting to merely oral explanations, I would not have insisted as I did upon a written declaration, in which I expected that the Secretary of State would endeavour to conceal his responsibility under all the reservations that the subject admitted.

(Here follows the Greek question.)

Count Lieven to Count Nesselrode.

[Extract.]

LONDON, *May 21/June 2, 1824.*

J'aurais été inconsollable si ce long délai avait été perdu pour le bien des affaires; mais j'ai au moins la satisfaction de vous annoncer que le Cabinet Anglais admet le principe des dernières propositions de notre Cour, relatives à la délimitation de nos possessions sur la côte nord-ouest de l'Amérique. Cet assentiment est, à la vérité, accompagné de la demande de quelques modifications, mais qui semblent être de peu de valeur pour nous, et que la latitude accordée à Bagot pourra faire mitiger s'il y avait lieu.

Canning, je dois l'avouer, a mis beaucoup de bonne volonté à nous satisfaire complètement; mais il avait à lutter contre une forte opposition de la part des compagnies intéressées.

[Extract.—Translation.]

Count Lieven to Count Nesselrode.

LONDON, *May 21/June 2, 1824.*

I would have been inconsolable if this long delay had been of no advantage to our affairs, but I have at least the satisfaction of informing you that the English Cabinet admits the principle of the last propositions of our Court relating to the demarcation of our possessions on the north-west coast of America. It is true that this acqui-

escence is accompanied by the demand for some modifications, but which appear to be of little importance to us, and which the latitude granted to Bagot may moderate if there is any necessity for it.

I must confess that Canning has exerted himself very faithfully to satisfy us completely, but he had to struggle against a violent opposition on the part of the companies interested.

No. 50.

The Right Hon. G. Canning to Sir C. Bagot.

No. 26.] FOREIGN OFFICE, *July 12, 1824.*

SIR: After full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between British and Russian occupancy on the north-west coast of America, and of the comparative inconvenience of admitting some relaxation in the terms of your Excellency's last instructions, or of having the question between the two Governments unsettled for an indefinite time, His Majesty's Government have resolved to authorize your Excellency to consent to include the south points of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales Island from south to north through Portland Channel, till it strikes the mainland in latitude 56, thence following the sinuosities of the coast, along the base of the mountains nearest the sea to Mount Elias, and thence along the 139th degree of longitude to the Polar Sea.

86 I inclose the draft of a projet of Convention founded upon these principles, which your Excellency is authorized to sign previously to your quitting St. Petersburgh.

The advantages conceded to Russia by the line of demarcation, traced out in this Convention, are so obvious as to render it quite impossible that any objection can reasonably be offered on the part of the Russian Government to any of the stipulations in our favour.

There are two points which are left to be settled by your Excellency:—

1.—In fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast, the seaward base of the mountains is assumed as that limit; but we have experience that other mountains on the other side of the American Continent, which have been assumed in former treaties as lines of boundary, are incorrectly laid down in the maps; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount St. Elias, is not carried too far inland.

This is done by a proviso that the line shall in no case (*i. e.*, not in that of the mountains, which appear by the map almost to border the coast, turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues; but it would be desirable if your Excellency were enabled to obtain a still more narrow limitation.

2.—Article 5 of the "Projet" is copied from Article IV of the Convention between Russia and the United States of America. By the American Article the right of visiting respectively and resorting to each other's possessions is limited to ten years. This limitation is left blank in the "Projet."

We should have no objection to agree to the Article without any limitation of time. We should prefer a longer period (say twenty years) to that stipulated by the Americans. Your Excellency will obtain either of these extensions if you can, but you must not agree to a shorter term than ten years.

Your Excellency will be careful to make it understood that this limitation of time cannot in any case extend to the use by Great Britain of the harbour of New Archangel, still less of the rivers, creeks, &c., on the continent, the use of all which is in the nature of a compensation for the perpetual right of territory granted to Russia, and, therefore, must be alike perpetual. If your Excellency shall, as I cannot doubt, conclude and sign this Convention before your departure, you will make it a point to bring with you the ratification of the Russian Government to be exchanged by Count Lieven against that of His Majesty.

I have, &c.

(Signed) GEORGE CANNING.

[Inclosure in No. 50.]

Draft Convention.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, being desirous of drawing still closer the ties of friendship and good understanding which unite them, by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions and establishments on the north-west coast of America; their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c., &c., &c.;

And His Majesty the Emperor of All the Russias, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de Toute les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui régleroit, sur le principe d'une convenance réciproque, différens points relatifs au commerce, à la navigation, et au pêcheries de leurs sujets sur l'Océan Pacifique, ainsi qui les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique; leurs dites Majestés ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, &c., &c., &c.;

Et Sa Majesté l'Empereur de Toutes les Russies, &c., &c., &c.;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

87 ARTICLE I.

It is agreed between the High Contracting Parties that their respective subjects shall enjoy the right of free navigation along the whole extent of the

ARTICLE I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement dans toute l'étendue de l'Océan Pacifique, y compris la

Pacific Ocean, comprehending the sea within Behring's Straits, and shall neither be troubled nor molested in carrying on their trade and fisheries, in all parts of the said ocean, either to the northward or southward thereof.

It being well understood that the said right of fishery shall not be exercised by the subjects of either of the two Powers, nearer than 2 marine leagues from the respective possessions of the other.

ARTICLE II.

The line which separates the possessions of the two High Contracting Parties upon the Continent and the Islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the two points of the Island called "Prince of Wales' Island," which form the southern extremity thereof, which points lie in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the Channel called Portland Channel, till it strikes the coast of the Continent lying in the 56th degree of north latitude. From this point it shall be carried along that coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian. Thence the said meridian line of 139th degree of west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the said Continent of America to the north-west.

ARTICLE III.

It is, nevertheless, understood, with regard to the stipulations of the preceding Article:—

1. That the said strip of coast on the Continent of America, which forms the boundary of the Russian possessions, shall not, in any case, extend more than marine leagues in breath from the sea towards the interior, at whatever distance the aforesaid mountains may be.

2. That British subjects shall for ever freely navigate and trade along the said line of coast, and along the neighbouring islands.

3. That the navigation and commerce of those rivers of the continent which cross this line of coast shall be open to British subjects, as well as to those inhabiting or visiting the interior of this Continent, as to those coming from the Pacific Ocean, who shall touch at these latitudes.

Mer au dedans du Détroit dit de Behring, et ne seront point troublés ni molestés en exerçant leur commerce et leurs pêcheries, dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu, que la dite liberté de pêcherie ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

ARTICLE II.

La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les Isles de l'Amérique du nord-ouest, sera tracée de la manière suivante:—

En commençant des deux points de l'Isle dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous le parallèle de 54° 40′, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière, entre les possessions Britanniques et Russes, remontera, au nord, par la passe dite le Portland Channel, jusqu'à ce qu'elle touche à la côte de la terre ferme située au 56e degré de latitude nord. De ce point elle suivra cette côte, parallèlement à ses sinuosités, et sous ou dans la base vers la mer des montagnes qui la bordent, jusqu'au 139e degré de longitude ouest du dit méridien. Et de là, la susdite ligne méridionale du 139e degré de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessions Britanniques et Russes, sur le dit Continent de l'Amérique du nord-ouest.

ARTICLE III.

Il est convenu néanmoins, par rapport aux stipulations de l'Article précédent:—

1. Que la susdite lisière de côte sur le Continent de l'Amérique, formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de lieues maritimes, à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité sur la dite lisière de côte, et sur celle des isles qui l'avoisinent.

3. Que la navigation et le commerce des fleuves du continent traversant cette lisière, seront libres aux sujets Britanniques, tant à ceux habitant ou fréquentant l'intérieur de ce continent, qu'à ceux qui aborderont ces parages du côté de l'Océan Pacifique.

ARTICLE IV.

The port of Sitka or Novo Archangelsk shall be, and shall for ever remain, open to the commerce of the subjects of His Britannic Majesty.

ARTICLE V.

With regard to the other parts of the north-west coast of America, and of the islands adjacent thereto, belonging to either of the two High Contracting Parties, it is agreed that for the space of years from the April, 1824, their respective vessels, and those of their subjects, shall reciprocally enjoy the liberty of visiting, without hindrance, the gulfs, havens, and creeks of the said coast, in places not already occu-
88 pied, for the purposes of fishery and of commerce with the natives of the country.

It being understood:—

1. That the subject of either of the High Contracting Parties shall not land at any spot where there may be an establishment of the other, without the permission of the Governor or other authority of the place, unless they should be driven thither by stress of weather or other accident.

2. That the said liberty of commerce shall not include the trade in spirituous liquors, in firearms, swords, bayonets, &c., gunpowder, or other warlike stores. The High Contracting Parties reciprocally engage not to permit the above-mentioned articles to be sold or transferred, in any matter whatever, to the natives of the country.

ARTICLE VI.

No establishment shall, in future, be formed by British subjects, either upon the coast or upon the borders of the continent comprised within the limits of the Russian possessions designated in Article II; and, in like manner, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE VII.

Such British and Russian vessels navigating these seas, as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again, without the payment of any duties except port and lighthouse dues not exceeding those paid by national vessels. In case, however, the master of such ship should be

ARTICLE IV.

Le port de Sitka ou Novo Archangelsk sera et restera à jamais ouvert au commerce des sujets de Sa Majesté Britannique.

ARTICLE V.

Par rapport aux autres parties des côtes du continent de l'Amérique du nord-ouest, et des isles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golphes, havres, et criques des dites côtes, dans des endroits non déjà occupés, afin d'y faire la pêche et el commerce avec les naturels du pays.

Bien entendu:—

1. Que partout où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant ou autre préposé de cet endroit, à moins qu'ils n'y seront forcés par tempêtes ou quelque autre accident.

2. Que la dite liberté de commerce ne comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre. Tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer, en manière quelconque, aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques aucun établissement, ni sur les côtes ni sur la lisière du continent comprises dans les limites des possessions Russes désignées par l'Article II; et de même, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes navigant dans ces mers, qui seront forcés par des tempêtes, ou par quelque autre accident, à se réfugier dans les ports respectifs, pourront s'y radouber et s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun droit hors ceux de port et des fanaux, qui n'excéderont pas ce que payent les navires indigènes. A moins que le patron d'un tel navire ne se trouveroit

obliged to dispose of some of his merchandize in order to defray his expenses, he shall conform himself to the Regulations and Tariffs of the place where he may have landed.

ARTICLE VIII.

In every case of complaint on account of an infraction of the Articles of the present Convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE IX.

The present Convention shall be ratified, and the ratifications shall be exchanged at within the space of months, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at the day of in the year of Our Lord 1824.

dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses; au quel cas, il sera tenu de se conformer aux Ordonnances et Tarifs de l'endroit où il aura abordé.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préable aucune violence ni voye de fait, seront tenus de rendre un rapport exact de l'affaire et de ses circonstances, aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE IX.

La présente Convention sera ratifiée, et les ratifications en seront échangées à dans l'espace de mois, ou plus tô tsi faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet le leurs armes.

Fait à le l'an de Grâce 1824.

Count Lieven to Count Nesselrode.

LONDRES, *le 13/25 Juillet, 1824.*
(Received Aug. 7/19.)

MONSIEUR LE COMTE: Par ma dépêche de 20 Mai / 1 Juin, No. 96, j'avais l'honneur d'informer votre Excellence de l'expédition prochaine à Sir Charles Bagot de nouvelles instructions pour la conclusion définitive de la Convention qui doit régler l'état de nos
89 frontières en Amérique. J'ai aujourd'hui la satisfaction de vous annoncer, Monsieur le Comte, que Mr. Canning va profiter du départ de Mr. Ward, pour transmettre à l'Ambassadeur Britannique l'autorisation de signer cet acte. Le Secrétaire d'État a même été plus loin. Il a dressé d'avance un projet de Convention dont il m'a permis de prendre lecture.

Dans ce projet, dont le plan est en grande partie basé sur la Convention déjà conclue sur le même objet entre le Cabinet Impérial et celui de Washington, j'ai remarqué avec plaisir que le Gouvernement Anglais renonçait entièrement à la prétention qu'il avait émise en dernier lieu, relativement à la fixation d'un degré de longitude plus occidental que la limite désignée par notre Cour, à partir du Mont Elie, et qu'il admet aujourd'hui sans restriction, que cette limite sera formée par une ligne de prolongation tracée vers le nord, en suivant la direction due 139ème degré de longitude.

Quant à la frontière des possessions respectives au sud du Mont Elie, c'est le long de la base des montagnes qui suivent les sinuosités du rivage, que Mr. Canning la fait courir. J'ai cru devoir lui représenter

que lorsqu'on fait servir une chaîne de montagnes à la fixation d'une limite quelconque, c'est toujours *la cime* de ces montagnes qui forme la ligne de démarcation; et qu'en cette circonstance, le mot de *base*, par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne me paraissait pas propre à mettre la délimitation dont il s'agit à l'abri de toute contestation.

Du reste, Monsieur le Comte, tout ce qui regarde les droits de navigation réciproques des deux puissances dans ces parages m'a semblé complètement d'accord avec ce qui a déjà été réglé entre notre Cour et les États-Unis. Mr. Canning a seulement ajouté la condition de la libre entrée des vaisseaux anglais dans la Mer Glaciale par le Détroit de Behring. J'ai objecté au Secrétaire d'Etat que cette clause, entièrement nouvelle, est, par sa nature, étrangère à l'objet spécial de la négociation, et que les termes généraux dans lesquels elle est conçue feront peut-être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncé actuel, pour ne point exposer les côtes de ses possessions asiatiques aux inconvéniens qui pourraient naître de la visite des bâtimens étrangers. Mr. Canning m'a répondu que deux motifs l'avaient engagé à en faire mention: 1°, Afin que les expéditions dirigées vers le pôle puissent obtenir une issue libre de la Mer Glaciale à la Pacifique si jamais le passage, objet de tant de recherches, venait à être enfin découvert, et 2°, pour que la Russie ne puisse, dans la suite des temps, se prévaloir de la possession des deux rives qui forment le Détroit de Behring, pour en défendre l'entrée, comme ont fait autrefois les Danois au Sund, et aujourd'hui les Turcs aux Dardanelles.

Telles sont, Monsieur le Comte, les explications qui ont eu lieu à ce sujet entre le Secrétaire d'État et moi; et Mr. Canning ayant pris en considération les objections qu'une lecture rapide du projet de convention m'a suggérées, il m'a promis de mettre Sir Ch. Bagot à même de satisfaire entièrement notre Cour, pour le cas où elle jugerait à propos de reproduire mes arguments.

J'ai l'honneur, &c.

Count Lieven to Count Nesselrode.

[Translation.]

LONDON, *July 13 (25), 1824.*

(Received Aug. 7/19.) **

COUNT: In my dispatch of May 20–June 1, No. 96, I had the honor to notify your Excellency of the approaching sending to Sir Ch. Bagot of new instructions for the definitive conclusion of the Convention which is to settle the status of our frontiers in America. I have now the satisfaction of informing you, Monsieur le Comte, that Mr. Canning is going to take advantage of the departure of Mr. Ward to transmit to the British Ambassador the authority to sign that act. The Secretary of State has even gone further. He has drawn up beforehand a draft of a Convention, which he has permitted me to read.

In this draft, the plan of which is, in great measure, based upon the Convention already concluded, upon the same subject, between
90 the Imperial Cabinet and that of Washington, I noticed with pleasure that the English Government entirely renounced the demand which it had made recently with regard to fixing upon a degree of longitude farther to the west than the boundary designated

by our court, beginning at Mount Elias, and that it now agrees, without reservation, that that boundary shall be formed by a line of prolongation drawn toward the north, following the direction of the 139th degree of longitude.

As regards the frontier of the respective possessions to the south of Mount Elias, Mr. Canning makes it run along the base of the mountains, which follow the sinuosities of the coast. I thought it my duty to represent to him that when a chain of mountains is made to serve for the establishment of any boundary whatever, it is always the crest of those mountains that forms the line of demarcation; and that, in this case, the word "base," from the vague meaning attached to it, and the greater or less extension which may be given to it, did not appear to me adapted to protecting the delimitation in question from all controversy.

As to the rest, Monsieur le Comte, all that relates to the mutual rights of navigation of the two Powers in those waters appeared to me to be in perfect agreement with what has already been arranged between our court and the United States. Mr. Canning only added the condition that free entrance shall be allowed to English vessels into the Arctic Ocean through Behring Strait. I objected to the Secretary of State that this clause, which is an entirely new one, is, from its nature, foreign to the special subject of the negotiations, and that the general terms in which it is couched will perhaps cause the Imperial Government to hesitate to accept it without amending its present language, in order not to expose the coasts of its Asiatic possessions to the inconveniences which might arise from the visits of foreign vessels.

Mr. Canning replied that he had been induced to mention it for two reasons: First, in order that expeditions sent toward the Pole may obtain a free passage from the Arctic Ocean to the Pacific, if the passage which has been the object of so many explorations should ever be discovered; and second, in order that Russia may not, in the course of time, take advantage of their possession of both coasts forming Behring Strait to prohibit [foreign vessels] from entering it, as was formerly done by the Danes in the Sound, and as is now done by the Turks in the Dardanelles.

Such, Monsieur le Comte, are the explanations which took place on this subject between the Secretary of State and myself; and Mr. Canning, after considering the objections which a rapid reading of the draft of Convention suggested to me, promised me that he would enable Sir Charles Bagot to satisfy our court completely, in case it should think proper to reproduce my arguments.

I have the honour, &c.

No. 51.

Mr. G. Canning to Sir C. Bagot.

No. 29.] FOREIGN OFFICE, *July 24, 1824.*

SIR: The "Projet" of a Convention which is inclosed in my No. 26 having been communicated by me to Count Lieven, with a request that his Excellency would note any points in it upon which he conceived any difficulty likely to arise, or any explanation to be necessary, I have received from his Excellency the Memorandum a copy of which is herewith inclosed.

Your Excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question: The first, the assumption of the base of the mountains, instead of the summit as the line of boundary; the second, the extension of the right of the navigation of the Pacific to the sea beyond Behring's Straits.

As to the first, no great inconvenience can arise from your Excellency (if pressed for that alteration) consenting to substitute the
91 summit of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the *lisière* is in any case to run, be adopted (which distance I have to repeat to your Excellency should be made as short as possible), and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains.

As to the second point, it is perhaps, as Count Lieven remarks, new. But it is to be remarked, in return, that the circumstances under which this additional security is required will be new also.

By the territorial demarcation agreed to in this "Projet" Russia will become possessed in acknowledged sovereignty of both sides of Behring's Straits.

The Power which could think of making the Pacific a *mare clausum* may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores of which it becomes the undisputed owner; but the shutting up of Behring's Straits, or the power to shut them up hereafter, would be a thing not to be tolerated by England.

Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen has been and is still employed in enterprises interesting not to this country alone, but to the whole civilized world.

The protection given by the Convention to the American coasts of each Power may (if it is thought necessary) be extended in terms to the coasts of the Russian Asiatic territory; but in some way or other, if not in the form now prescribed, the free navigation of Behring's Straits and of the seas beyond them must be secured to us.

These being the only questions suggested by Count Lieven, I trust I may anticipate with confidence the conclusion and signature of the Convention, nearly in conformity to the "Projet," and with little trouble to your Excellency.

The long delay of the ship makes it peculiarly satisfactory to me to have reduced your Excellency's task in this matter within so small a compass.

I am, &c.

(Signed) G. CANNING.

No. 52.

Memorandum from Count Lieven on the North-West Coast Convention.—(24 July, 1824.)

Le projet de Convention rédigé par le Cabinet Anglais fait courir la limite des possessions Russes et Anglaises sur la côte nord-ouest d'Amérique au Sud du Mont *Élie; le long de la base des montagnes qui*

[Translation.]

No. 52.

Memorandum from Count Lieven on the North-West Coast Convention.

The draft of treaty drawn up by the English Cabinet makes the limit of the Russian and English possessions on the north-west coast of America, to the south of Mount Elias, run *along the base of the*

suivent les sinuosités de cette côte. Il est à observer qu'en thèse générale, lorsqu'une chaîne de montagnes sert à fixer une limite quelconque, c'est toujours la *cime* de ces montagnes qui forme la ligne de démarcation. Dans le cas dont il s'agit ici le mot de *base* par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne paraît guère propre à mettre la délimitation à l'abri de toutes contestations ultérieures, car il ne serait point impossible, vu le peu de certitude des notions géographiques que l'on possède encore sur ces parages, que les montagnes désignées pour limite s'etendissent par une pente insensible jusqu'aux bords même de la côte.

Quant à la clause du même "Projet," ayant pour but d'assurer aux vaisseaux Anglais l'entrée libre dans la Mer Glaciale par le Détroit de Behring, il semble en premier lieu que cette condition, entièrement nouvelle, est par sa nature étrangère à l'objet spécial de la négociation; et les termes généraux dans lesquels elle est conçue feront peut être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncée actuel pour ne point exposer les côtes de ses possessions Asiatiques dans la Mer Glaciale aux inconvéniens qui pourraient naître de la visite des bâtimens étrangers.

mountains which follow the sinuosities of that coast. It is to be observed that, as a general principle, when a chain (chaîne) of mountains serves to define any boundary, it is always the top (cime) of these mountains which forms the line of demarcation. In the case now under consideration the word *base*, by the indefinite meaning which it presents, and the greater or less extension which can be given to it, would appear hardly suitable to secure the delimitation against subsequent disputes, for it would not be impossible, in view of the little exactness of the geographical ideas which we as yet possess as to these regions, that the mountains designated as the boundary should extend, by an insensible slope, down to the very border of the coast.

As to the clause of the same draft, having the purpose of assuring to English vessels free entry into the Arctic Ocean by Behring Strait, it seems in the first place that this condition, which is an entirely new one, is essentially foreign to the special object of the negotiation; and the general terms in which it is framed will perhaps cause the Imperial Government to hesitate to allow it without modifying its present form, so as not to expose the coasts of its Asiatic possessions in the Arctic Ocean to the inconveniences which might arise from the visits of foreign vessels.

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92 No. 53.

Mr. Addington to Mr. G. Canning.

No. 39.] WASHINGTON, *August 2, 1824.*
(Received September 8.)

SIR: A convention concluded between this Government and that of Russia for the settlement of the respective claims of the two nations to the intercourse with the north-western coast of America reached the Department of State a few days since.

The main points determined by this instrument are, as far as I can collect from the American Secretary of State, (1) the enjoyment of a free and unrestricted intercourse by each nation with all the Settlements of the other on the north-west coast of America; and (2) a stipulation that no new Settlements shall be formed by Russia, south, or by the United States, north, of latitude 54° 40′.

The question of the *mare clausum*, the sovereignty over which was asserted by the Emperor of Russia in his celebrated Ukase of 1821, but virtually, if not expressly, renounced by a subsequent declaration of that Sovereign, has, Mr. Adams assures me, not been touched upon in the above-mentioned Treaty.

Mr. Adams seemed to consider any formal stipulation recording that renunciation as unnecessary and supererogatory.

I have, &c.

(Signed) H. U. ADDINGTON.

No. 54.

Sir C. Bagot to Mr. G. Canning.

No. 41.] ST. PETERSBURGH, *August 12, 1824.*
(Received September 9.)

SIR: You will certainly learn with considerable surprise that, so far from having it in my power, as I had confidently hoped that I should have, to bring with me, on my return to England, a Treaty signed and ratified by the Russian Government upon the subject of the north-west coasts of America, I am already enabled to acquaint you that, after only two meetings with the Russian Plenipotentiaries, I have ascertained that it is totally impossible to conclude with them any arrangement upon the subject which is at all reconcileable with the "Projet" transmitted to me in your despatch No. 26 of the 12th of last month, even if I were to take upon myself to exercise, upon several points of it, a discretion which is not given to me by your instructions.

To satisfy His Majesty's Government upon this subject, it seems only necessary that I should transmit to you the inclosed copy of a "Contre-Projet" offered to me by the Imperial Plenipotentiaries on the day after our first meeting, viz., on Saturday last, the 21st instant.

The differences between this "Contre-Projet" and the "Projet" which I had given in are, in many respects, unimportant, consisting either in unnecessary changes in the expressions, or in the order of the Articles, or in other minor points, none of which, as I have reason to think, would have been tenaciously adhered to, and of which some might have been safely admitted. But there are three points upon which the differences appear to be almost, if not altogether, irreconcileable.

These points are:—

1. As to the opening *for ever* to the commerce of British subjects, of the port of Novo-Archangelsk.

2. As to the liberty to be granted to British subjects to navigate and trade *for ever* along the coast of the *lisière* which it is proposed to cede to Russia, from the Portland Channel to the 60th degree of north latitude, and the islands adjacent.

3. As to the liberty to be given reciprocally to each Power to visit, for a term of years, the other parts of the north-west coasts of America.

As to the first of these points, the Russian Plenipotentiaries declare that, however disposed they might, and probably should be, to
93 renew this liberty to His Majesty's subjects at the expiration of ten years, they can, under no circumstances, consent to divest themselves for ever of a discretionary power in this respect, by granting such a privilege in perpetuity.

Upon this point I reminded the Plenipotentiaries that the freedom of the port of Novo-Archangelsk was originally offered to Great Britain by themselves, unsolicited and unsuggested by me, in the first "Contre-Projet" which they gave to me in our former conferences; that the same offer had been repeated by Count Nesselrode in his despatch to Count Lieven of the 5th April last, and that upon neither occasion had it been accompanied by any restriction as to any period of time. It is admitted to me that no period of time was specified upon those occasions, but that it was never intended to declare that the freedom should

be perpetual, and that they could never be induced to grant it upon such terms.

As to the second point: The Russian Plenipotentiaries declare that they are ready to grant to His Majesty's subjects for ten years, but for no longer period, the liberty to navigate and trade along the coast of the *lisière* proposed to be ceded to Russia, from the Portland Channel to the 60th degree of north latitude, and the islands adjacent; and that they are ready to grant *for ever* the right of ingress and egress into and from whatever rivers may flow from the American continent and fall into the Pacific Ocean within the above-described *lisière*, but that they can, under no circumstances, and by no supposed correspondent advantages, be induced to grant to any Power the privilege to navigate and trade in perpetuity within a country the full sovereignty of which was to belong to Russia; that such perpetual concession was repugnant to all national feeling, and was inconsistent with the very idea of sovereignty.

As regards the third point, the Russian Plenipotentiaries declared that the coasts of North America extending from the 60th degree of north latitude to Behring's Straits, the liberty to visit which, under certain conditions, is stipulated in the "Projet" by Great Britain, in return for a similar liberty to be given, under the same conditions, to Russian subjects to visit the North American coasts belonging to His Majesty are, and have always been, the absolute and undisputed territory of His Imperial Majesty, and that it is not the intention of His Imperial Majesty to grant to any Power whatever for any period of time the liberty which is required.

These are the three principal points upon which I was yesterday distinctly given to understand that the Russian Government would consider it their duty to insist, and, consequently, that, unless my instructions should enable me to modify the "Projet" so far as regarded them, the negotiations must be considered as at an end.

It is, I believe, scarcely necessary that, after having stated this, I should tronble you with any further observations upon the subject.

The other differences which exist between the "Projet" and the "Contre-Projet," though numerous, are, as I have said before, of minor importance, and such as would, I think, have been easily adjusted. What they are will be best shown by the "Contre-Projet" inclosed.

I hope that His Majesty's Government will give me credit for not having too hastily supposed that the objections urged by the Russian Plenipotentiaries were insurmountable. I am, I think, too well acquainted with, and have too long negotiated upon, this subject to have deceived myself in this respect, and I am fully persuaded, from what has passed between Count Nesselrode, M. Poletica, and myself since the arrival of your instructions, that the determination of the Russian Government is now taken rather to leave the question unsettled between the two Governments for any indefinite time, than to recede from their pretensions so far as they regard the three points which I have particularly specified.

In closing yesterday the Conference, which assured me that all further chance of negotiation was, for the present at least, terminated, I thought it my duty to remind the Russian Plenipotentiaries that the maritime jurisdiction assumed by Russia in the Pacific, which he had hoped to see revoked in the simplest and least unpleasant manner by

mixing it with a general adjustment of other points, remained, by the breaking off of our negotiations, still unretracted; and, that my Government would probably be of opinion that, upon that part of the question some arrangement must yet be entered into.

It may be proper to add that, in reference to the 6th Article of the "Contre-Projet," I gave the Russian Plenipotentiaries distinctly to understand that neither His Majesty's Government nor those of the other Maritime Powers of the world would, as I thought, be likely to accept the free navigation of Behring's Straits as a concession on the part of Russia.

I have, &c.

(Signed) CHARLES BAGOT.

[Inclosure in No. 54.]

Counter-Draft of the Russian Plenipotentiaries.

Sa Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande voulant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui réglerait d'après le principe des convenances réciproques, les limites de leurs possessions et Établissemens sur la côte nord-ouest de l'Amérique, ainsi que différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir, &c., lesquels, après s'être communiqué, &c., ont arrêté et signé les Articles suivans:—

ARTICLE I.

La ligne de démarcation entre les possessions des deux Hautes Parties Contractantes sur la côte nord-ouest de l'Amérique et les îles adjacentes, sera tracée ainsi qu'il suit:

A partir des deux points qui forment l'extrémité méridionale de l'île dite du Prince de Galles, laquelle appartiendra tout entière à la Russie, points situés sous la parallèle du 54° 40′ de latitude nord, et entre les 131° et 133° de longitude ouest (méridien de Greenwich) la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe, dite le Portland Channel, jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme au 56° de latitude nord. De ce point elle suivra cette côte parallèlement à ses sinuosités jusqu'au 139° de longitude ouest (même méridien) et de là, la frontière entre les possessions respectives sur le

His Majesty the Emperor of all the Russias and His Majesty the King of the United Kingdom of Great Britain and of Ireland being desirous of drawing still closer to the ties of friendship and of good understanding which unite them, by the means of an agreement which would settle, according to the principles of reciprocal conveniences, the limits of their possessions and establishments on the north-west coast of America, as well as various points connected with the commerce, navigation and fisheries of their subjects on the Pacific Ocean, have named Plenipotentiaries to conclude a convention for this purpose, viz., &c., who, after having exchanged credentials, have decided upon and signed the following articles:

ARTICLE I.

The line of demarcation between the possessions of the two high contracting parties upon the north-west coast of America and the adjacent islands shall be drawn in the following manner; commencing from the two points which form the southernmost extremity of the island called "Prince of Wales Island," which shall entirely belong to Russia, which points lie in the parallel of 54° 40′ north latitude and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the Russian and British possessions shall ascend northerly along the channel called Portland Channel until the said pass comes to an end in the interior of the mainland, stiuated at the 56th degree of north latitude. From this point it shall be carried along the coast, in a direction parallel to its windings, as far as the 139th degree of longitude west (same meridian),

Continent Américain sera formée par la ligne du susdit degré de longitude dans sa prolongation jusqu'à la Mer Glaciale.

ARTICLE II.

La lisière de la côte nord-ouest appartenant à la Russie depuis le Portland Channel jusqu'au point d'intersection du 139° de longitude ouest (méridien de Greenwich) n'aura point en largeur sur le continent plus de 10 lieues marines à partir du bord de la mer.

ARTICLE III.

Il est convenu—

1. Que dans les possessions des deux Puissances, telles qu'elles sont désignées aux Articles précédens et nommément jusqu'à la hauteur du 59° 30′ de latitude nord, mais point au delà, leurs vaisseaux respectifs, et ceux de leurs sujets auront pendant dix ans à compter du 5 (17) Avril, 1824, la faculté réciproque de fréquenter librement les golphes, hâvres, criques, dans les parties des îles et des côtes, qui ne seraient point occupées par des Établissemens soit Russes, soit Britanniques, et d'y faire la pêche et le commerce avec les naturels du pays.

2. Que partout où il y aura un Établissement de l'une des Hautes Puissances Contractantes, les sujets de l'autre ne pourront y aborder sans la permission du Commandant ou préposé du lieu, sauf les cas d'accidens ou de tempête.

95 3. Que la liberté de commerce ci-dessus mentionnée ne comprendra ni les liqueurs spiritueuses, ni les armes à feu et armes blanches, ni la poudre à canon et autres munitions de guerre: tous articles que les Hautes Puissances Contractantes s'engagent réciproquement à ne pas laisser vendre par leurs sujets respectifs aux naturels de la côte et des îles nord-ouest de l'Amérique.

4. Que sur la lisière de la dite côte indiquée en l'Article II de la présente Convention comme appartenant à la Russie les sujets de Sa Majesté Britannique jouiront à perpétuité de la libre navigation des fleuves, soit qu'ils habitent l'intérieur du continent, soit qu'ils veulent y arriver de l'Océan Pacifique au moyen de ces mêmes fleuves.

5. Que le port de Sitka ou Novo-Archangelsk sera ouvert, pendant dix ans, au commerce étranger et qu'à l'expiration de ce terme cette franchise sera renouvelée suivant les convenances de la Russie.

and thence the boundary between the respective possessions on the said continent of America shall be formed by the line of the said degree of longitude in its extension as far as the frozen sea.

ARTICLE II.

The strip of the north-west coast belonging to Russia, from the Portland Channel up to the point of intersection of the 139th degree of west longitude (meridian of Greenwich), shall not have in width, upon the continent, more than 10 marine leagues measured from the shore of the sea.

ARTICLE III.

It is understood:

1. That within the possessions of the two Powers, as they are described in the preceding Articles and specially up to the line of 59° 30′ north latitude, but not beyond their respective vessels and those of their subjects for the space of ten years from the 5th (17th) April, 1824, shall reciprocally enjoy the liberty of visiting without hindrance, the gulfs, havens and creeks in the parts of the islands and coast not already occupied by either Russian or British establishments and to fish and trade with the natives of the country.

2. That the subjects of either of the high contracting parties shall not land at any spot where there may be an establishment of the other without the permission of the governor or other authority of the place unless they should be driven thither by stress of weather or other accidents.

3. That the said liberty of commerce mentioned previously shall not include the trade in spiritous liquors, in firearms, swords, bayonets, gunpowder or other ammunitions—the high contracting parties reciprocally engaging not to permit the above-named articles to be sold by their respective subjects to the natives of the coast, and of the islands of North-west America.

4. That in the strip of coast described by Article II of the present convention, as belonging to Russia, the subjects of His Brittanic Majesty shall for ever freely navigate the rivers, whether they inhabit the interior of the continent, whether they intend to reach there from the Pacific Ocean through the said rivers.

5. That the port of Sitka or Novo Archangelsk shall be open, during ten years, to foreign trade and at the end of that term, this privilege shall be renewed according to the wishes of Russia.

ARTICLE IV.

A l'avenir il ne pourra être formé aucun Établissement par les sujets de Sa Majesté Britannique dans les limites des possessions Russes désignées aux Articles I et II et de même il n'en pourra être formé aucun par les sujets de Sa Majesté l'Empereur de Toutes les Russies hors des dites limites.

ARTICLE V.

Les Hautes Puissances Contractantes stipulent en outre que leurs sujets respectifs navigueront librement, sur toute l'étendue de l'Océan Pacifique, tant au nord qu'au sud, sans entrave quelconque, et qu'ils jouiront du droit de pêche en haute mer, mais que ce droit ne pourra jamais être exercé qu'à la distance de 2 lieues marines des côtes ou possessions, soit Russes, soit Britanniques.

ARTICLE VI.

Sa Majesté l'Empereur de Toutes les Russies, voulant même donner une preuve particulière de ses égards pour les intérêts des sujets de Sa Majesté Britannique et rendre plus utile le succès des entreprises, qui auraient pour résultat de découvrir un passage au nord du Continent Américain, consent à ce que la liberté de navigation mentionée en l'Article précédent s'étende sous les mêmes conditions, au Détroit de Behring et à la mer située au nord de ce détroit.

ARTICLE VII.

Les vaisseaux Russes et Britanniques naviguant sur l'Océan Pacifique et la mer ci-dessus indiquée, qui seroient forcés par les tempêtes ou par quelque avarie, de se réfugier dans les ports respectifs des Hautes Parties Contractantes, pourront s'y radouber, s'y pourvoir de tous les objets qui leur seront nécessaires et se remettre en mer librement, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront fixés pour eux au même montant que pour les navires nationaux.

En pareilles occasions les patrons des bâtimens, soit Russes, soit Britanniques, seront tenus de se conformer aux lois, Ordonnances, et Tarifs en vigueur dans le port, où ils auront abordé.

ARTICLE VIII.

Dans tous les cas de plainte sur l'infraction des Articles du présent accord, les officiers et fonctionnaires publics s'abstiendront de part et d'autre de toute vio-

ARTICLE IV.

No establishment shall, in future, be formed by the subjects of His Britannic Majesty within the limits of the Russian possessions designated in Article I and II, and, in like manner, no such establishment shall be formed by Russian subjects outside the said limits.

ARTICLE V.

The High Contracting Parties stipulate, moreover, that their respective subjects shall freely navigate over the whole Pacific Ocean, north and south, without hindrance whatever, and that they shall enjoy the right of fishing in deep sea, but that this privilege will be valid only outside of the distance of two marine leagues from Russian or British coasts.

ARTICLE VI.

His Majesty the Emperor of All the Russias, being desirous of giving a special mark of his regards for the interests of His Britannic Majesty's subjects and to render more useful the success of undertakings, which might result in the discovery of a passage to the north of the Continent of America, agrees that the same freedom of navigation to navigate, such as described in the preceding Article, shall extend, under the same conditions, to the Straits of Behring, and to the sea lying north of said straits.

ARTICLE VII.

Such British and Russian vessels navigating the Pacific Ocean and the sea aforesaid indicated as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports of the High Contracting Parties shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again, without the payment of any duties, except port and lighthouse dues, which shall not exceed for them those paid by national vessels.

In such occasions, the master of such ships, either Russian or British, shall conform themselves to the laws and regulations and tariffs in force at the port where they may have landed.

ARTICLE VIII.

In every case of complaint on account of an infraction of the Articles of the present Convention the officers and public functionaries shall, respectively, avoid any violent or forcible measures, and

lence ou voye de fait, et rendront un compte exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles termineront le différend à l'amiable, et selon les principes d'une mutuelle justice.

shall give an exact and circumstantial report of the matter to their respective courts, which will settle it in a friendly manner according to the principles of mutual justice.

96 ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées dans l'espace de mois, ou plustôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le le cachet de leurs armes.

Fait à St. Pétersbourg, le , 1824.

[ARTICLE IX.

The present Convention shall be ratified and the ratification shall be exchanged within the space of months, or sooner, if possible.

In witness thereof the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at St. Petersburg, the 1824.

Count Nesselrode to Count Lieven.

PENZA, *le 4 Septembre, 1824.*

MONSIEUR LE COMTE: Par sa dépêche No. 96, votre Excellence m'avait transmis un office que lui avait adressé Monsieur Canning après avoir discuté avec elle les questions de limites et de juridiction maritime qu'il s'agissait de résoudre entre la Russie et l'Angleterre, sur la côte Nord-Ouest de l'Amérique.

Dans cet office M. Canning appréciant les dernières propositions que nous avions faites à Sir Charles Bagot, vous annonçait, Monsieur le Comte, qu'elles seraient acceptées sauf quelques nuances et quelques clauses additionnelles qui ne changeraient en rien le fond de notre projet d'arrangement.

Ces clauses devaient consister dans la définition plus précise de la lisière que nous posséderions sur le Continent Américain, dans la fixation d'un degré de longitude plus occidental à partir du Mont Saint-Elie, et dans la libre navigation des fleuves, mers, détroits et anses que comprendraient les domaines de S. M. I.

Comme nous avions déjà déclaré antérieurement que l'oukase du 4 (16) Septembre, 1821, ne s'exécuterait pas en ce qui concernait l'étendue de cent milles en mer dont il interdisait la navigation aux vaisseaux étrangers, que d'une autre part nous nous étions empressés nous mêmes d'offrir aux sujets de S. M. Britannique dans nos négociations avec Sir Charles Bagot, la liberté de descendre et de remonter tous les fleuves qui traverseraient notre territoire sur la côte nord-ouest; il nous parût que les modifications désirées par M. Canning ne donneraient lieu à aucune difficulté, et nous nous flattions qu'aussitôt que l'Ambassadeur d'Angleterre recevrait des instructions définitives, nous pourrions conclure avec lui, une transaction également conforme aux droits et aux intérêts des deux Puissances.

Notre confiance nous semblait d'autant plus fondée que Sir Charles Bagot nous avait déclaré à plusieurs reprises, et que M. Canning répétait dans son office ci-dessus mentionné, que l'Angleterrese bornerait à demander pour son commerce dans ses parages les privilèges que la Russie accorderait ou qu'elle aurait accordées à d'autres Nations.[a] Ce

[a] "It can hardly be expected that we should not also put in our claim *for the* LIKE *privileges* of trade as are or may be stipulated by Russia with any other nation."—Office de M. Canning, en date du 29 Mai, 1824.

point devait donc suivant toute probabilité, être aussi facile à régler que les autres.

Cependant trois mois s'écoulèrent sans que les instructions de Plénipotentiaire de la Cour de Londres, lui fussent expédiées et lorsqu'elles arrivèrent enfin par l'intermédiaire de Mr. Ward quelques jours avant notre départ, nous trouvâmes à notre grand regret qu'elles consistaient en un projet de Convention, qui sous plusieurs rapports très essentiels, était bien loin de remplir notre attente.

Vous en avez pris, M. le Comte, une lecture rapide, mais
97 que pour que vous puissiez mieux le juger, je vous en adresse une copie. J'ai consigné dans des notes marginales quelques remarques de détail et je me réserve de vous développer dans cette dépêche les observations les plus importantes, celles que regardent des clauses qu'il nous est complètement impossible d'admettre.

Elles sont au nombre de trois:—

1. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays à perpétuité sur toute cette partie de la côte qui forme le sujet de la discussion et qui s'étend du 59° de latitude nord au 54° 40′.

2. La liberté pour les sujets Anglais de faire la chasse, la pêche et le commerce avec les naturels du pays pendant dix ans sur une autre partie de nos côtes et de nos îles depuis le 59° de latitude nord jusqu'au détroit de Behring.

3. L'ouverture à perpétuité du port de Sitka ou Novo Archangelsk.

Ad 1m. Le projet de Convention du Cabinet de Londres ne s'exprime pas avec une précision parfaite sur cet article et ce sont nos explications verbales avec Sir Charles Bagot qui nous ont appris que l'Angleterre réclamait le droit de chasse, de pêche et de commerce à perpétuité dans cette portion des domaines de la Russie, mais ces explications ont été si positives qu'elles ne nous ont laissé aucun doute sur les désirs du Cabinet Britannique.

Pour savoir si nous n'avions pas lieu d'en être étonnés et s'il nous est possible d'y condescendre il suffit de rélire d'un côté le passage de l'office de Mons. Canning que j'ai cité plus haut, et de jeter les yeux de l'autre sur notre Convention avec les États-Unis.

Le Principal Secrétare d'État de S. M. B. vous a déclaré officiellement et par écrit que l'Angleterre réclamerait de notre part des privilèges de commerce semblables à ceux que nous accorderions à d'autres Puissances. Or les États-Unis sont la seule Puissance à laquelle nous en ayons jamais accordée et ceux que nous leur avons garantis par la Convention du 5 (17) Avril de l'année courante ne doivent durer que dix ans.

Nous satisferions donc aux demandes que l'Angleterre elle même nous a énoncées, en lui garantissant pour le même espace de temps, les mêmes privilèges. Comment pourrions nous d'ailleurs, consentir sous ce rapport, en faveur des sujets Britanniques, à des prérogatives que nous venons de refuser aux sujets Américains? Les sujets Britanniques, nous ne saurions trop le répéter, n'ont jamais poussé ni leurs établissemens ni leurs opérations de commerce jusqu'à la côte nord-ouest. Le témoignage des cartes les plus récentes publiées en Angleterre révèle et démontre ce fait. Si les compagnies de la baie d'Hudson et du Nord-Ouest approchent de la côte, ce n'est que depuis trois ans à peine, tandis que les sujets Américains ont constamment fréquenté ces parages et que ce sont leurs entreprises qui ont fait naître

étrangers naviguer sans entraves sur toute l'étendue de l'océan pacifique septentrional en circonscrivant l'exercice de nos droits de juridiction maritime à la distance de deux lieues marines de nos établissemens et de nos côtes jusquà' et y compris le détroit de Behring, comme le propose le projet de Convention envoyé par le Cabinet de St. James, mais quant à la chasse, à la pêche, et au commerce avec les naturels du pays nous ne pouvons nous empêcher d'établir une distinction importante.

Les titres de Souveraineté de la Russie sur la côte nord-ouest lui ont été disputés à partir du 59° de latitude nord. En conséquence depuis ce degré jusqu'à la parallèle qui formerait notre limite méridionale, nous nous sommes empressés d'offrir des avantages particuliers aux Puissances avec lesquelles nous étions en discussion. Nous avons accordé pour dix ans aux Américains le droit de pêche, de chasse et de commerce avec les naturels du pays et nous souscrirons la même concession en faveur des sujets de S. M. Bque., mais il doit être bien entendu que cette concession ne comprendra que l'espace renfermé entre le 59° et la limite méridionale de notre territoire, c.a.d. le 54° 40′: car au Nord du 59° les titres de souveraineté de S.M.I n'ont jamais été mis en doute non seulement dans aucun écrit officiel, mais encore dans aucun des articles que les feuilles d'Angleterre et d'Amérique ont publié sur cette question.

99 Pour peu qu'on veuille péser une circonstance aussi décisive, prétendra-t-on que nous placions sur la même ligne des domaines disputés et ceux qui ne le sont pas, que nous nous soumettions pour les uns et les autres aux mêmes sacrifices, que nous excitions les justes alarmes de notre compagnie Américaine et qu'en ouvrant la chasse et la pêche et le commerce avec les naturels du pays pour dix ans, nous exposions à une ruine totale des établissemens dont le nombre augmente de jour en jour dans des countrées qui nous appartiennent à tous les titres, qu'assurent une première découverte, une occupation immédiate et réelle qui compte près d'un siècle et une possession paisible contre laquelle aucune Puissance n'a jamais réclamé. Certes dans cette partie de ses domaines, la Russie a bien le droit de ne prendre pour guide de ses règlemens de commerce, que ses propres besoins et ses propres convenances. Elle a bien les droits d'y recueillir librement tous les profits de la chasse et de la pêche et sauf à respecter et à observer les principes généraux des lois qui prononcent sur les rapports réciproques des nations, elle est maîtresse d'y adopter toutes les mesures qu'elle juge utiles ou nécessaires.

C'est ainsi qu'elle ne saurait consentir à y admettre la concurrence des commerçans, chasseurs et pêcheurs, étrangers, mais qu'en interdisant le commerce, la clhsse et la pêche elle n'interdira nullement le navigation et qu'elle bornera l'exercice de sa juridiction maritime à deux lieues marines de ses côtes et de ses îles.

Ad 3m. La troisième clause à laquelle nous ne saurions consentir dans le projet de Convention Britannique, concerne l'ouverture a perpétuité du port de Sitka ou Novo Archangelsk.

C'est nous mêmes qui, dans nos négociations avec Sir Charles Bagot, avons annoncé que le port de Sitka serait ouvert aux vaisseaux et au commerce étrangers. Nous persistons dans nos intentions à cet égard, mais il nous est impossible de contracter un engagement indéfini, de nous lier les mains pour avenir sans bornes: nous pourrions garantir que le port de Sitka ne serait pas fermé four dix ans; il est probable que nous y laisserions subsister les règlements qui nous y aurions introduits.

First Draft Convention with Russia enclosed in Mr. Canning's Letter to Sir C. Bagot of 12th July, 1824, with Annotations by Count Nesselrode, referred to in Nesselrode's Letter to Lieven 4th September, 1824.

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de Toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui règleroit, sur le principe d'une convenance réciproque, différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique; leurs dites Majestés ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, &c., &c., &c.;

Et Sa Majesté l'Empereur de Toutes les Russies, &c., &c., &c.;

Lesquels, après s'être réciproquement communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:

101 ARTICLE I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement, dans toute l'étendue de l'Océan Pacifique, y comprise la Mer au dedans du Détroit dit de Behring, et ne seront point troublés ni molestés:—

1. En exerçant leur commerce et leurs pêcheries dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu que la dite liberté de pêcherie ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

1. Dans l'Article correspondant, les Plénipotentiaires de Russie ont supprimé les mots "en exerçant leur commerce," parce qu'il leur a paru que cet Article se rapporterait principalement à la navigation en haute mer, et qu'en haute mer il n'y a pas de commerce possible.

D'ailleurs tout ce qui concerne les relations commerciales se trouve réglé par d'autres Articles.

ARTICLE II.

2. La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les îles de l'Amerique du Nord-Ouest, sera tracée de la manière suivante:—

En commençant des deux points de l'île dite du Prince de Galles, qui en forment l'extrémité méridionale, lesquels points sont situés sous la parallèle de 54° 40′ et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière entre les possessions Britanniques et Russes remontera au nord, par la passe dite Portland Channel, jusqu'à ce qu'elle touche à la côte terre ferme située au 56° degré de latitude nord. De ce point elle suivra cette côte parallèlement à ses sinuosités, et sous ou

2. Article II.—Cet Article est le premier du contre-projet Russe:—

Comme dès l'ouverture des négociations l'exécution de l'Oukase de 1821 avait été suspendue en ce qui regarde l'exercice de la juridiction maritime, la question territoriale était la plus essentielle que les deux Puissances eussent à résoudre. C'est donc par définir les possessions respectives que nous commençons dans notre contre-projet. Les possessions une fois définies viennent naturellement les stipulations relatives aux droit qui s'y rattachent, et aux privilèges qui pourront y être exercés de part et d'autre. A ces clauses succèdent celles qui ont rapport à la navigation de l'Océan Pacifique, et qui se rangent toutes sous le même chef.

Bien entendu:—

1. Que partout où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pourront y aborder, sans la permission du Commandant, ou autre préposé de cet endroit à moins qu'ils n'y seront forcés par tempêtes ou quelqu'autre accident.

2. Que la dite liberté de commerce ne comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre; tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer en manière quelconque aux indigènes de ces pays.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques, aucun établissement, ni sur les côtes, ni sur la lisière du continent comprises dans les limites des possessions Russes désignées par l'Article II; et, de même, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Les vaisseaux Britanniques et Russes navigans dans ces mers qui seront forcés par des tempêtes ou par quelqu'autre accident à se réfugier dans les ports respectifs, pourront s'y radouber et s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun des droits, hors ceux de port et de fanaux, qui n'excèderont pas ce que payent les navires indigènes, à moins que le patron d'un tel navire ne se trouverait dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses, auquel cas il sera tenu de se conformer aux ordonnances et tarifs de l'endroit où il aura abordé.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voie de fait, seront tenus de rendre un rapport exact de l'affaire, et de ses circonstances aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées à dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à , le , l'an de grâce 1824.

*Count Nesselrode to Count Lieven.***

[Translation.]

PENZA, *August 31, 1824.* (Sent Sept. 13/25.)

In your despatch No. 96, your Excellency sent me a memorandum[a] which Mr. Canning had addressed to you, after discussing with you the questions of boundary and maritime jurisdiction which were to be settled between Russia and England on the north-west coast of America.

In that memorandum, Mr. Canning, in discussing the last propositions which we had made to Sir Charles Bagot, informed you, M. le Comte, that they would be accepted, with the exception of some shades of difference and some additional clauses, which would not change in the least the substance of our draft of settlement.

These clauses were to consist of a more exact description of the strip which we were to possess on the American continent, the selection of a degree of longitude more to the west, beginning at Mount St. Elias, and the free navigation of the rivers, seas, straits, and bays which the dominions of H.I.M. might contain.

As we have already declared previously that the Ukase of September 4 (16), 1821, would not be executed so far as related to the
104 sea limit of 100 miles within which it prohibited the navigation of foreign vessels; as, on the other hand, we ourselves had hastened to offer to the subjects of His Britannic Majesty, in our negotiations with Sir Charles Bagot, liberty to descend and to ascend all the rivers which might cross our territory on the north-west coast, it seemed to us that the modifications desired by Mr. Canning would not involve any difficulty, and we flattered ourselves that so soon as the English Ambassador should receive final instructions we could conclude with him an arrangement equally conducive to the rights and the interests of both Powers.

Our confidence seemed the better founded in that Sir Charles Bagot had declared to us on several occasions, and Mr. Canning repeated in his memorandum mentioned above,[b] that England would confine herself to asking for her commerce in those waters the privileges which Russia might grant or which she might have granted to other nations. This point ought, therefore, according to all probability, to be as easy to settle as the others.

Nevertheless, three months elapsed before the instructions of the Plenipotentiary of the Court of London were sent to him, and when, at last, they arrived, by the hands of Mr. Ward, a few days before our departure, we found, to our great regret, that they consisted of a draft of a Convention which, in several very essential points, was very far from meeting our expectations.

You have read it rapidly, M. le Comte, but in order that you may form a better estimate of it I send you a copy. I have made, in some marginal notes, some remarks as to minor points, and I reserve to myself the duty of making, in this despatch, the most important observations, those concerning clauses which it is utterly impossible for us to accept.

They are three in number:

1. Liberty to English subjects to hunt, to fish, and to trade with the natives of the country, perpetually, on the whole of that part of

[a] Communication?

[b] See Note A.

vious declarations the demands contained in its draft of Convention with regard to commercial privileges.

As to 2: Besides the right to hunt, to fish, and to trade for ever on that part of the north-west coast which would belong to us from 54° 40′ of north latitude to 59°, the Cabinet of St. James, according to the meaning which Sir Charles Bagot attached to its propositions, demanded the same right for ten years on the coast and islands extending from 59° to Behring Strait.

Here we will again cite the memoradum which Mr. Canning addressed to you, M. le Comte, under date of May 29th[a]. It is there stated that England would demand the free use of all the rivers which might cross the strip of coast belonging to Russia, and of all the seas, straits, bays, &c., which might be within her dominions. * * * A few lines farther down the memorandum of the Chief Secretary of State adds that he considers it to be understood and agreed upon that Russia will withdraw all the exclusive claims which she had set up in the Ukase of 1821 with respect to the navigation and jurisdiction of the North Pacific Ocean. When we compare these two demands, which follow each other so closely, and which, so to speak, explain and complete each other, with each other, it is difficult to find anything more in them than the free navigation of the waters and seas bathing the possessions of Russia. Now, we have always shown ourselves ready to guarantee this freedom [of navigation].

Orders differing from the tenour of the Ukase of September 4 (16), 1821, were sent to our cruisers at the very opening of the negotiations, and we would willingly engage, by formal stipulations, to allow foreign vessels hereafter to navigate the whole extent of the North Pacific Ocean, without let or hindrance, confining the exercise of our rights of maritime jurisdiction to the distance of 2 marine leagues from our establishments and our coasts, up to and including Behring Strait, as the draft Convention sent by the Cabinet of St. James proposes; but as to hunting, fishing, and trading with the natives of the country, we cannot avoid making an important distinction.

Russia's rights of sovereignty over the north-west coast, beginning at 59° of north latitude, have been disputed. Hence, between that degree and the parallel which would form our southern boundary, we hastened to offer special advantages to the Powers with which we were in dispute. We granted to the Americans for ten years the right to fish, to hunt, and to trade with the natives of the country, and we will make the same concession in favour of the subjects of His Britannic Majesty; but it must be well understood that this concession will only comprise the space inclosed between latitude 59° and the southern boundary of our territory—to wit, latitude 54° 40′, for to the north of the fifty-ninth degree His Imperial Majesty's rights of sovereignty have never been questioned, not only in no official document, but in none of the articles which the English and American newspapers have published on this subject.

If any weight is attached to such a decisive fact as this, will it be asked that we shall place the disputed and the undisputed territory on the same footing; that we shall submit to the same sacrifices for both; that we shall arouse the just alarm of our American Company, and that by throwing open for ten years the

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[a] See Note B.

navigation of all the rivers crossing this strip. Lastly, it secures to them advantages equal to those obtained by the subjects of the United States, and it virtually repeals the Ukase of September 4 (16), 1821, by declaring, on the one hand, that we will exercise maritime jurisdiction only to the distance of 2 leagues from our coasts and from our islands, upon the whole extent of our possessions, and by stipulating, on the other hand, that no obstacles shall be placed in the way either of the free navigation of the Pacific Ocean or even of the free passage of Behring Strait.

In a negotiation which should have as its basis the accommodation of both parties, we think that it would be difficult to show greater respect to the wishes of England.

Your Excellency will be careful to impress upon Mr. Canning our views and our constant moderation. You will represent to him
107 with what alacrity we have granted all those demands of Great Britain that it was possible for us to grant, what good reason we have to expect a fair return from her now, how exactly our draft agrees with the declarations contained in the memorandum of the Chief Secretary of State of His Britannic Majesty, dated May 29, and how expedient it would be to put an end, by the adoption of this counter draft (as we cannot carry our sacrifices any further), to discussions between the two Governments, which are always disagreeable, and the very last germ of which would thereby be destroyed.

Your Excellency is authorized to read this despatch to Mr. Canning and to give him a copy of it, and in your conversations with that minister you may add, M. le Comte, the remark that, in our treaty of April 5 (17), with the United States, we only meant to grant her the right of fishing, hunting, and trading with the natives for ten years in those of our possessions that had been disputed, or in other words, in the space comprised between latitude 54° 40′ and 59° 30′ north.

NOTE A.—At this point is the following marginal note:

"It can hardly be expected that we should not also put in our claim for the *like privileges of trade as are or may be stipulated with Russia by any other nation.*" (Memorandum of Mr. Canning to Count Lieven, dated May 29, 1824.)

NOTE B.—At this point is the following marginal note:

"In precise and positive stipulation for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas which the limits assigned to Russia may comprehend * * * and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean which were put forward in the Ukase of September 1821 are to be altogether withdrawn." (Mr. Canning's memorandum to Count Lieven dated May 29, 1824.)

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*Explanations with regard to Contre-projet.***

L'Angleterre persiste à exiger de la Russie les concessions suivantes:

1° La libre navigation des baies, anses, &c., et *le droit de pêche et de chasse ainsi que le commerce direct avec les naturels du pays à perpétuité* sur toute cette partie de la côte N. O. qui forme le territoire contesté depuis le 54° 30′ jusqu'au 60° de latitude, sauf les restrictions mentionnées dans notre Convention du 5/17 avril avec les Etats Unis, relativement aux armes à la poudre et aux liqueurs spiritueuses.

2° L'ouverture du port de *Novo Archangelsk à perpétuité.*

3° Le droit *pour le terme de dix ans* de naviguer dans les eaux qui baignent la même Côte *depuis le 60° degré de latitude N. jusqu'au détroit de* Behring d'y faire la pêche et de *trafiquer avec les naturels du pays.*

La seule modification que Sir Charles Bagot semble autorisé à admettre dans l'ensemble de ces prétentions se réduisait à limiter l'ouverture du port de Sitka au terme de 20 ans pourvu toutefois que ce terme fut plus long pour les anglais qu'il ne le serait pour les américains.

The possessions having been once defined, the stipulations with regard to the rights attached to them, and the privileges which may be exercised in them by both parties, naturally come next.

These clauses are succeeded by those relating to the navigation of the Pacific Ocean, and which all fall under the same head.

The order of subjects gains by this method of arrangement, and it seems to us in general that the plan of our counter draft would present more clearness.

We have, however, while changing their places, retained all the articles of the British draft.

(3) In the first paragraph of this Article, as in Article II, we have suppressed all mention of the mountains which follow the sinuosities of the coast. It became useless from the moment that one [of the Articles] fixed the width of the strip of mainland which would belong to Russia in marine leagues.

(4, 5, and 6) Our despatch to Count Lieven contains all the necessary explanations with regard to the passages underscored in these different Articles.

All the others have undergone, in our counter draft, merely slight changes of language, which were intended to render the stipulations contained in them still more precise and more easy to understand in their true sense.

No. 55.

Mr. Geo. Canning to Count Lieven.

FOREIGN OFFICE, *September 12, 1824.*

M. LE COMTE: It is with deep regret, and, I confess with some surprise that I have learnt from Sir Charles Bagot that your Court have declined to conclude the Treaty, the projet of which was sent out by the "Herald."

This refusal is the more unexpected, as the chief alterations made in the original "Projet" were introduced here (as your Excellency can bear witness) at the suggestion of the Russian Plenipotentiaries themseves.

I have not yet had time to give sufficient consideration to the "Contre-Projet" now presented on the part of those Plenipotentiaries to be enabled to say positively whether it can be accepted in all its parts. But I would fain hope that the differences between us may not be insurmountable. And I do most earnestly entreat your Excellency to submit to your Court, by your first messenger, the expediency of sending to your Excellency instructions and full powers to conclude and sign the Treaty here.

This will save three months. It will enable us to conclude before the meeting of Parliament. And I do assure your Excellency that, after the expectations which have been so often held out to Parliament of a speedy and satisfactory termination of the discussions respecting the Ukase of 1821, I cannot look forward without uneasiness to the disappointment of those expectations.

I know that the Ukase is practically suspended; but we have no document to show that it is so; and we have, as your Excellency knows, purposely abstained from requiring any, in the hope that the subject of the Ukase would be merged in the larger arrangements respecting the north-west coast of America.

109 I write to Mr. Ward in the sense of this letter. And I most anxiously wish that no personal delicacy may prevent your Excellency from repeating and enforcing my suggestion.

I have, &c.

(Signed) GEORGE CANNING.

factory arrangement touching the Ukase of 1821, has been so often confidently held out to Parliament, that we look forward with great anxiety to the discussions which might arise upon a fresh disappointment of those expectations.

I am, &c.

(Signed) GEORGE CANNING.

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110 No. 57.

Lord F. Conyngham to Mr. Pelly.

FOREIGN OFFICE, *October 19, 1824.*

Lord Francis Conyngham presents his compliments to Mr. Pelly, and is directed by Mr. Canning to transmit to him copies of some papers which have been received from Count Lieven relating to the north-west coast of America.

Lord Francis requests that Mr. Pelly will return these papers, accompanied by any observations that he may wish to make thereupon.

No. 58.

Hudson's Bay Company to Foreign Office.

HUDSON'S BAY HOUSE, *London, October 20, 1824.*

(Received October 20.)

SIR: I duly received Lord Francis Conyngham's letter of the 19th instant, with its inclosures, and it does not appear to me that the Counter-Project of Russia is so essentially different from the one which His Majesty's Ministers have considered it advisable to propose to Russia, as far as the Hudson's Bay Company are concerned, to reject it, except in the 2nd Article, which should more accurately define the eastern boundary from the Portland Canal to the 61st degree of north latitude to be the chain of mountains at a "très-petite distance de la côte," but that if the summit of those mountains exceed 10 leagues, that the said distance be substituted instead of the mountains.

It certainly would have been a more advisable arrangement had it been practicable to have made the strait between the mainland and the islands instead of the mountains the division, not only as a more natural one, but would have prevented the possibility of collision of the traders of the two countries, and if this could be now obtained, relinquishing the proposed licence of visiting and trading with the natives for a term of years in that part of the territory to which Russia is to be acknowledged as entitled to the sovereignty. I think it would be advisable, but if not practicable, we should have the same privileges as were granted to the Americans. On a former occasion I proposed the strait as the line of demarcation upon the principle of preventing collision, which was not only my idea, but you will recollect was one of the principal reasons stated by Russia for proposing a division territory; and when it is considered the large tract that is conceded to the westward of the 139th degree of longitude to which Russia

VI.—This Article prescribes that the ratification shall be changed within ten months from the date of the Treaty.

This Convention may be regarded as a second signal effect of the manly and independent Message of our President to the late Congress. If the Emperor Alexander had left it to our own Government to fix the terms of the Treaty, it could not more completely have secured all our interests in the Pacific. We congratulate the country upon this new evidence of the excellence of the system which has been pursued by our present Administration.

No. 60.

Mr. G. Canning to Count Lieven.

ICKWORTH, *October 25, 1824.*

MY DEAR COUNT LIEVEN: I cannot refrain from sending to your Excellency the inclosed extract from an American newspaper, by which you will see that I did not exaggerate what I stated to you as the American construction of the Convention signed at St. Petersburgh.

It is to this construction that I referred, when I claimed for England (as justly quoted by Count Nesselrode) whatever was granted to other nations.

No limitations here of 59°.

Believe me, &c.

(Signed) GEORGE CANNING.

P. S.—May I trouble your Excellency to return this paper to Mr. Planta as (though only an extract from a newspaper) it is an inclosure in a despatch received to-day.—G. C.

No. 61.

Mr. Ward to Mr. G. Canning.

No. 9.] ST. PETERSBURGH, *November, 1 (13), 1824.*

(Received December 6.)

SIR: I have the honour to acknowledge the receipt of your despatches Nos. 2 and 3, which were forwarded to me on the evening of the 28th October (9th November) from Count Nesselrode's Office.

I had an interview with his Excellency on the following morning when I stated to him the substance of the instructions conveyed in your despatch No. 3. He seemed somewhat surprised at the suggestion of the removal of the seat of the negotiations on the American question from hence to London, and said he was unprepared at the instant to give me an answer, as the last despatches, which he had received from Count Lieven, some of which had reference to that point, and he believed conveyed an impression that in his Excellency's late communications with His Majesty's Government the resumption of those negotiations at St. Petersburgh had been contemplated, were still before the Emperor, but that in a few days he should speak to me more fully upon the subject.

112 His Imperial Majesty still continues at Czarskoe Sélo; several days have been successively mentioned for his arrival in St. Petersburgh, but it is supposed that the indisposition under which

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the Continent of America, but the pretensions of the Russian Ukase of 1821 to exclusive dominion over the Pacifick could not continue longer unrepealed without compelling us to take some measure of publick and effectual remonstrance against it.

You will therefore take care, in the first instance, to repress any attempt to give this change to the character of the negotiation, and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British Nation attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible) of the effect of the Ukase of 1821..

That this Ukase is not acted upon, and that instructions have been long ago sent by the Russian Government to their cruisers in the
113 Pacifick to suspend the execution of its provisions, is true; but a private disavowal of a published claim is no security against the revival of that claim. The suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negotiation that the Russian claim to the possession of the coast of America down to latitude 59° rests in fact on no other ground than the presumed acquiescence of the nations of Europe in the provisions of an Ukase published by the Emperor Paul in the year 1800, against which it is affirmed that no publick remonstrance was made, it becomes us to be exceedingly careful that we do not, by a similar neglect, on the present occasion, allow a similar presumption to be raised as to an acquiescence in the Ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacifick cannot be held as matter of indulgence from any Power. Having once been publickly questioned, it must be publickly acknowledged.

We do not desire that any distinct reference should be made to the Ukase of 1821; but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the Convention in the place which properly belongs to it, as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the Convention concluded between Russia and the United States of America; and we see no reason why upon similar claims we should not obtain exactly the like satisfaction.

For reasons of the same nature we cannot consent that the liberty of navigation through Behring's Straits should be stated in the Treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, in our own behalf and on that of the whole civilized world, protest.

No specification of this sort is found in the Convention with the United States of America, and yet it cannot be doubted that the Americans consider themselves as secured in the right of navigating Behring's Straits and the sea beyond them.

It cannot be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course after all will be to substitute, for all that part of the "Projet" and "Counter-Projet" which relates to maritime rights and to navigation, the first two Articles of the Convention already concluded by the Court of St. Petersburgh with the United States of America, in the order in which they stand in that Convention.

Russia cannot mean to give to the United States of America what she withholds from us; nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulations *in pari materiâ* gives clearness and force to both arrangements, and will establish that footing of equality beween the several contracting parties which it is most desirable should exist between three Powers whose interests come so nearly in contact with each other in a part of the globe in which no other Power is concerned.

This, therefore, is what I am to instruct you to propose at once to the Russian Minister as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article I of the "Projet" and of Articles V and VI of the "Contre-Projet."

The next Articles relate to the territorial demarcation, and upon them I have only to make the following observations:—

The Russian Plenipotentiaries propose to withdraw entirely the limit of the *lisière* on the coast which they were themselves the first to propose, viz., the summit of the mountains which run parallel to the coast, and which appear, according to the Map, to follow all its sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition.

We cannot agree to this change. It is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wished to guard
114 was that which you know and can thoroughly explain to the Plenipotentiaries to have existed on the other side of the American Continent, when mountains laid down in a Map as in a certain given position, and assumed in faith of the accuracy of that Map as a boundary between the possessions of England and the United States turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussions. Should the Maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give and she only intended to ask, a strip of sea coast.

To avoid the chance of this inconvenience we propose to qualify the general proposition, "that the mountains should be the boundary, with the condition *if* those mountains should not be found to extend beyond ten leagues from the coast." The Russian Plenipotentiaries now propose to take the distance invariably as the rule. But we cannot consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and this being their own original proposition the Russian Plenipotentiaries cannot reasonably refuse to adhere to it.

Where the mountains are the boundary, we are content to take the *summit* instead of the "seaward base" as the line of demarcation.

I omitted in my last instructions to Sir Charles Bagot (though I had signified to Count Lieven) that I intended to require a small extension

of the line of demarcation from the point where the *lisière* on the coast terminates in latitude 59° to the northward. The extension required is from 139° to 141° west longitude, the latter being the parallel which falls more directly on Mount Elias.

With regard to the port of Sitka, or New-Archangel, the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for ten years, provided only that if any other nation obtains a more extended term, the like term shall be extended to us also.

We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of Article IV of the American Convention.

These, I think, are the only points in which alterations are required by Russia. And we have no other to propose.

A "Projet" such as it will stand according to the observations of this despatch is inclosed, which you will understand as furnished to you as a guide for the drawing up of the Convention, but not as prescribing the precise form of words, nor fettering your discretion as to any alterations, not varying from the substance of these instructions.

It will, of course, strike the Russian Plenipotentiaries that by the adoption of the American Article respecting navigation, &c., the provision for an exclusive fishery of *two* leagues from the coasts of our respective possessions falls to the ground.

But the omission is in truth immaterial.

The law of nations assigns the exclusive sovereignty of *one* league to each Power of its own coasts, without any specific stipulation, and though Sir Charles Bagot was authorized to sign the Convention with the specifick stipulation of *two* leagues, in ignorance of what had been decided in the American Convention, at the time, yet, after that Convention has been some months before the world, and after the opportunity of reconsideration has been forced upon us by the act of Russia herself, we cannot now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contrast between the United States and us to our disadvantage.

Count Nesselrode himself has frankly admitted that it was natural that we should expect, and reasonable that we should receive, at the hands of Russia, equal measure, in all respects, with the United States of America.

It remains only, in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is not on our part, essentially a negotiation about limits.

It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

115 We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility, we must oppose.

If the present "Projet" is agreeable to Russia, we are ready to conclude and sign the Treaty.

If the territorial arrangements are not satisfactory, we are ready to postpone them; and to conclude and sign the essential part—that which relates to navigation—alone, adding an Article, stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question, and if Russia will neither sign the whole Convention nor that essential part of it, she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretensions of the Ukase of 1821, and of effectually securing our own interests against the possibility of its future operations.

I am, with great truth and regard, your most obedient humble servant,

(Signed) GEORGE CANNING.

Draft Convention with Russia embodying Mr. G. Canning's final instructions to Stratford Canning.

[Inclosed in Mr. Canning's letter of 8th December, 1824.]

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions on the north-west coast of America, their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c.

And His Majesty the Emperor of All the Russias, &c.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested in any part of the Great Ocean, commonly called the Pacifick Ocean, either in navigating the same, in fishing there, or in landing at such parts of the coasts as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles.

ARTICLE II.

In order to prevent the right of navigating and fishing exercised upon the Great Ocean by the subjects of the High Contracting Parties from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there shall be a Russian establishment, without the permission of the principal officer in authority there, and, on the other hand, that Russian subjects shall not land, without similar permission, at any British establishment on the north-west coast.

ARTICLE III.

The line which separates the possessions of the two High Contracting Parties upon the continent and the islands of America to the north-west, shall be drawn in the manner following:—

Commencing from the southernmost point of the island called "Prince of Wales" Island, which point lies in the parallel of 54° 40′, and between the 131st and 133rd

degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly (the whole of Prince of Wales Island belonging to Russia) along the channel called "Portland Channel" till
116 it strikes the coast of the continent in the 56th degree of north latitude. From the point where the line of demarcation strikes this degree it shall be carried along the summit of the mountains parallel to the coast as far as the 140th degree of longitude west of the said meridian; thence the said meridian line of 140th degree west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the Continent of America to the north-west.

Provided, nevertheless, that if the summit of the aforesaid mountians shall turn out to be, in any part of their range, at more than the distance of 10 marine leagues from the Pacifick, then that, for that space, the line of demarcation shall be a line parallel to the coast and its windings, at the said distance of 10 marine leagues therefrom, so that the said line of demarcation shall never extend farther than 10 leagues from the coast.

It is agreed that neither Party shall form any establishment within the limits assigned by this Article to the other Party.

No establishment shall in future be formed by British subjects either upon the coast, or upon the borders of the continent comprised within the limits of the Russian possessions designated in this Article; and in like manner no such establishments shall be formed by Russian subjects beyond the said limits.

ARTICLE IV.

It is understood that the subjects of His Britannick Majesty, as well as those who may come from the interior of the continent as those who may come from the Pacifick Ocean, shall enjoy for ever the free and unmolested navigation of all rivers or streams which, in their course to the Pacifick may be found to cross the line of demarcation on the border of coast described in the foregoing Article.

ARTICLE V.

It is nevertheless, understood that, for the space of ten years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, the inland sea, the gulfs, havens, and creeks on the coast mentioned in Article III, for the purposes of fishery and of commerce with the natives of the country.

ARTICLE VI.

The port of Sitka, or Nova Archangelsk, shall be open to the commerce and vessels of the subjects of His Britannick Majesty during the space of ten years from the date of the exchange of the ratifications of the present Convention. In case of a further extension of the term of ten years mentioned in the foregoing Article to any other Power, the like extension shall be granted also to Great Britain.

ARTICLE VII.

The said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords, bayonets, &c., gunpowder, or other warlike stores, the High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any manner whatever, to the natives of the country.

ARTICLE VIII.

Such British and Russian vessels navigating the Pacifick as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again without the payment of any duties, except port and lighthouse dues, not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandize, in order to defray his expenses, he shall conform himself to the regulations and tariffs of the place where he may have landed.

ARTICLE IX.

In every case of complaint on account of an infraction of the Articles of the present Convention, the officers employed on either side, without previously engaging them-

selves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who will arrange the same, according to justice, in a friendly manner.

117 ARTICLE X.

The present Convention shall be ratified and the ratifications shall be exchanged at ..... within the space of months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at , the day of , in the year of our Lord

No. 63.

Mr. Ward to Mr. G. Canning.

No. 14.] ST. PETERSBURGH, *December 3 (15), 1824.*
(Received January 10, 1825.)

SIR: In my despatch No. 9 of the 13th November (O. S.), in which I acknowledge the receipt of your despatch No. 3 of the 13th September (N. S.), which came to hand on the 10th November, I had the honour to state to you the substance of what was said to me by Count Nesselrode, at the interview, for which the purpose of complying with your instructions relative to the North American negotiation pending between the two Governments I had obtained with his Excellency.

Count Nesselrode at that time, as I had the honour to state to you, Sir, mentioned his belief that the despatches arrived on the same day (10th November) from the Russian Ambassador, but of a later date than the 13th September, intimated that His Majesty's Government, in consequence of communications lately made by him through the Foreign Office, was inclined to furnish Mr. Stratford Canning with Powers to conclude the negotiation here.

I had again an opportunity of speaking with his Excellency on the subject on Sunday, the 23rd November (O. S.), when he told me that he was convinced, that in consequence of what he had written upon the question to Count Lieven, and which had not been received in London, at the date of your instructions to me, Mr. Canning was destined to treat the matter here.

On the following day his Excellency sent me the inclosed extract of a private letter from Count Lieven, dated, I think, on the 20th October (N. S.)

I have, &c.

(Signed) E. M. WARD.

[Inclosure 1 in No. 63.]

Count Nesselrode to Mr. Ward.

ST. PÉTERSBOURG, *le 24 Novembre (6 Décembre), 1824.*

Le Comte de Nesselrode s'empresse de communiquer ci-joint à Mr. Ward un extrait de la lettre de l'Ambassadeur Comte de Lieven dont il a eu l'honneur de l'entretenir hier; et qui se rapporte à la négociation Américaine.

Il saisit, &c.

[Inclosure 2 in No. 63.]

Count Lieven to Count Nesselrode.

Je ne vous entretiens pas officiellement de notre négociation Américaine. Mr. Canning en recevant les communications que vous m'avez chargé de lui faire sur ce sujet, a commencé par les remettre à son Conseil particulier, en me prévenant simplement que nous aborderions nos discussions sur cette matière dans dix ou douze jours, à son retour de la campagne. Si nous ne parvenons pas à nous entendre ici Stratford Canning sera muni des pleins pouvoirs nécessaires pour continuer la négociation à St. Pétersbourg, et, j'espère même, autorisé à la conclure.

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118 No. 64.

Mr. Addington to Mr. G. Canning.

No. 9.] WASHINGTON, *January 29, 1825.*
(Received March 4.)

SIR: I have the honour to transmit to you herewith an official copy of the Convention concluded on the 5th (17th) April last, between the United States and Russia, and ratified on the 12th instant by the President, for defining the extent of the rights of either nation to the navigation of the Northern Pacific, and their traffic and intercourse with the north western coast of America.

I have, &c.

(Signed) H. U. ADDINGTON.

[Inclosure in No. 64.]

13th Congress, 2nd Session.

Message from the President of the United States, transmitting a Copy of the Convention between the United States and the Emperor of Russia. Concluded at St. Petersburgh on the 5th of April last.

January 21, 1825.—Read: ordered that it lie upon the table.

MESSAGE.

To the House of Representatives of the United States.

I communicate herewith, to both Houses of Congress, copies of the Convention between the United States and His Majesty the Emperor of All the Russias, concluded at St. Petersburgh on the 5th (17th) of April last, which has been duly ratified on both sides, and the ratifications of which were exchanged on the 11th instant.

(Signed) JAMES MONROE.

WASHINGTON, *January 18, 1825.*

By the President of the United States of America.

A PROCLAMATION.

Whereas a Convention between the United States of America and His Majesty the Emperor of All the Russias, was concluded and signed at St. Petersburgh, on the 5th (17th) day of April, in the year of Our Lord one thousand eight hundred and twenty-

four; which Convention, being in the French language is, word for word, as follows, a translation of the same being hereto annexed:

[Original.]

Au nom de la Très-Sainte et Indivisible Trinité.

Le Président des États-Unis d'Amérique, et Sa Majesté l'Empereur de Toutes les Russies, voulant cimenter les liens d'amitié qui les unissent, et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente Convention, ont nommé pour leurs Plénipotentiaires à cet effet, savoir: Le Président des Etats-Unisd'Amérique, leSieur Henry Middleton, citoyen des dits États, et leur Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale; et Sa Majesté l'Empereur de Toutes les Russies, ses amis et féaux les Sieurs Charles Robert, Comte de Nesselrode, Conseiller Privé actuel, Membre du Conseil d'État, Secrétaire d'État dirigeant le
119 Ministère des Affaires Étrangères, Chambellan actuel, Chevalier de l'Ordre de St. Alexandre Nevsky, Grand-Croix de l'Ordre de St. Wladimir de la première classe, Chevalier de celui de l'Aigle Blanc de Pologne, Grand-Croix de l'Ordre de St. Étienne d'Hongrie, Chevalier des Ordres du St. Esprit et de St. Michel et Grand-Croix de celui de la Légion d'Honneur de France, Chevalier Grand-Croix des Ordres de l'Aigle Noir et de l'Aigle Rouge de Prusse, de l'Annonciade de Sardaigne, de Charles III d'Espagne, de St. Ferdinand et du Mérite de Naples, de l'Éléphant de Danemarc, de l'Étoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidélité de Bade, et de St. Constantin de Parme; et Pierre de Poletica, Conseiller d'État actuel, Chevalier de l'Ordre de Ste. Anne de la première classe, et Grand-Croix de l'Ordre de St. Wladimir de la seconde: lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes:—

ARTICLE I.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique ou Mer du Sud, les citoyens ou sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

[Translation.]

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of All the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named as their Plenipotentiaries to this effect, to wit: The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of All the Russias, his beloved and faithful Charles Robert, Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the Administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wurtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second; who, after having exchanged their full powers, found in good and due form, having agreed upon and signed the following stipulations:—

ARTICLE I.

It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the High Contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following Articles:

ARTICLE II.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le Grand Océan par les citoyens et sujets des Hautes Puissances Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les citoyens des Etats-Unis n'aborderont à aucun point où il se trouve un Etablissement Russe, sans la permission du Gouverneur ou Commandant; et que réciproquement les sujets Russes ne pourront aborder sans permission à aucun Etablissement des Etats-Unis sur la côte nord-ouest.

ARTICLE III.

Il est convenu en outre, que dorénavant il ne pourra être formé par les citoyens des Etats-Unis, ou sous l'autorité des dits Etats, aucun Etablissement sur la côte nord-ouest d'Amérique, ni dans aucune des îles adjacentes *au nord* du 54° 40′ de latitude septentrionale; et que de même il n'en pourra être formé aucun par des sujets Russes, ou sous l'autorité de la Russie, *au sud* de la même parallèle.

ARTICLE IV.

Il est néanmoins extendu que pendant un terme de dix années à compter de la signature de la presente Convention les vaisseaux des deux Puissances, ou qui appartiendroient à leurs citoyens ou sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, les mers intérieures. les golfes, hâvres, et criques sur la côte mentionnée dans l'Article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

ARTICLE V.

Sont toutefois exceptées de ce même commerce accordé par l'Article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre, et munitions de guerre de toute espèce, que les deux Puissances s'engagent réciproquement à ne pas vendre, ni laisser vendre aux indigènes par leurs citoyens et sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte, ni être alléguée dans aucun cas, pour autoriser soit la visite ou la détention des vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feroient ce commerce; les Hautes Puissances Contractantes s'étant réciproquement réservé de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet Article, par leurs citoyens ou sujets respectifs.

ARTICLE II.

With the view of preventing the rights of navigation and of fishing, exercised upon the Great Ocean by the citizens and subjects of the High Contracting Powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian Establishment, without the permission of the Governor or Commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any Establishment of the United States upon the north-west coast.

ARTICLE III.

It is, moreover, agreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any Establishment upon the north-west coast of America, nor in any of the islands adjacent, *to the north* of 40° 40′ of north latitude; and that, in the same manner there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.

ARTICLE IV.

It is, nevertheless, understood that, during a term of ten years, counting from the signature of the present Convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks upon the coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind are always excepted from this same commerce permitted by the preceding Article; and the two Powers engage reciprocally neither to sell, or suffer them to be sold to the natives, by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandize, or, in fine, any measures of constraint whatever, towards the merchants or the crews who may carry on this commerce, the High Contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this Article, by their respective citizens or subjects.

ARTICLE VI.

Lorsque cette Contravention aura été duement ratifiée par le Président des Etats-Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de Toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous ou plus tôt si faire se peut. En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Pétersbourg le 5 (17) Avril de l'an de grâce mil huit cent vingt-quatre.

[L.S.] HENRY MIDDLETON.
[L.S.] LE COMTE C. DE NESSELRODE.
[L.S.] PIERRE DE POLETICA.

ARTICLE VI.

When this Convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of All the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible. In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the seals of their arms.

Done at St. Petersburg the 5th (17th) April of the year of Grace one thousand eight hundred and twenty-four.

[L.S.] HENRY MIDDLETON.
[L.S.] LE COMTE C. DE NESSELRODE.
[L.S.] PIERRE DE POLETICA.

121 And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the eleventh day of the present month, by John Quincy Adams, Secretary of State of the United States, and the Baron de Tuyll, Envoy Extraordinary and Minister Plenipotentiary of His Imperial Majesty, on the part of their respective Governments:

Now, therefore, be it known that I, James Monroe, President of the United States, have caused the said Convention to be made public, to the end that the same, and every clause and Article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this twelfth day of January, in the year of Our Lord one thousand eight hundred and twenty-five, and of the Independence of the United States the forty-ninth.

(Signed) JAMES MONROE.

By the President:
(Signed) JOHN QUINCY ADAMS,
Secretary of State.

No. 65.

Mr. S. Canning to Mr. G. Canning.

No. 13.] ST. PETERSBURGH, *February 1 (13), 1825.*
(Received March 2.)

SIR: I avail myself of the return of the messenger Meates to inform you that yesterday evening I had my first conference with the Russian Plenipotentiaries, Count Nesselrode and M. de Poletica.

After mutually communicating our full powers, those of the Russian Plenipotentiaries being the same which were exhibited to Sir Charles Bagot, I stated that the "Projet" which I was prepared to give in, agreeably to your instructions, respecting the differences growing out of the Imperial Ukase of September, 1821, would be found to contain fresh proofs of the conciliatory spirit in which His Majesty's Government had directed this negotiation, that it was now time to bring the negotiation, either in one way or another, to its final conclusion, and, with this view, that His Majesty's ministers, in empowering me to offer a new "Projet," had gone at once to the utmost extent of concession, justified by their sense of duty, in order to remove the objections of the Russian Government.

On reading the "Projet" some difficulties were started and some discussion took place; but I hold it unnecessary to trouble you with a more particular account of this conference, as the Russian Plenipotentiaries were not then prepared to express any decided opinion as to those parts of the "Projet" which do not entirely come up to their proposals, and I have expressly reserved to myself the liberty of recording my explanations in an official shape in the event of their persisting to object to any essential part of its contents.

Count Nesselrode said that he hoped to be ready with his answer in the course of a week. The Emperor's being again at Czarskoe-Zelo for two or three days may possibly occasion some delay.

I have, &c.

STRATFORD CANNING.

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*Contre-projet submitted by Stratford Canning, February 1 (13), 1825.***

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur de toutes les Russies désirant
122 resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui règleroit d'après les principes de convenance réciproque, divers points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la côte nord ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet; savoir,

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ——— ——— et Sa Majeste l'Empereur de toutes les Russies ——— ——— lesquels Plénipotentiaires après s'être communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les articles suivants:

ARTICLE I.

Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

ARTICLE II.

Dans la vue d'empêcher que les droits de navigation et de pêche exercées sur le Grand Océan par les sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe sans la permission du Gouverneur ou Commandant; et que réciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement Britannique sur la côte nord ouest.

ARTICLE III.

La ligne de démarcation entre les possessions des Hautes Parties Contractantes situées sur le Continent et les Iles de l'Amérique nord ouest sera tracée ainsi qu'il suit:

Commençant du point le plus méridional de l'Isle dite *Prince of Wales*, lequel point se trouve sous le parallèle de 54 degrés 40 minutes, et entre le 131me et le 133me degré de longitude ouest (Méridien de Greenwich) la dite ligne remontera au Nord (l'Isle Prince of Wales appartenant en entier à la Russie) le long de la passe, dite *Portland Channel*, jusqu'à ce qu'elle touche à la côte de terre ferme au 56me degré de latitude Nord, depuis ce point ci, où la ligne de démarcation touche au 56me degré, elle suivra la crête des montagnes dans une direction parallèle à la côte, jusqu'au 141me degré de longitude Ouest (même Méridien); et delà la ligne méridienne du 141me degré de longitude Ouest dans son prolongement jusqu'à la Mer Glaciale formera la frontière entre les possessions respectives des deux Puissances; pourvu néanmoins, que si la crête des susdites montagnes, dans quelque partie que ce soit, de leur étendue, se trouvera située à plus de dix lieues maritimes de la Mer Pacifique, la ligne de démarcation, pour cet espace, sera une ligne parallèle aux sinuosités de la côte, de manière que la dite ligne de démarcation ne sera en aucune partie à plus de dix lieues de la côte.

Il est de plus convenu que nul établissement ne sera formé par l'une des deux parties dans les limites assignées par cet Article à l'autre; les sujets Britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes telles qu'elles sont désignées par cet Article; et, de même, nul établissement pareil ne sera formé par des sujets Russes au delà des dites limites.

ARTICLE IV.

Il est entendu que les sujets de Sa Majesté Britannique, soit venant de l'intérieur du Continent, soit arrivant de l'Océan Pacifique, jouiront à perpétuité du droit de naviguer librement et sans molestation quelconque toutes les rivières ou fleuves, qui dans leurs cours à la Mer Pacifique traverseront la ligne de démarcation au long de la lisière de la côte indiquée dans l'Article précédent.

ARTICLE V.

123 Il est, néanmoins, entendu que pour l'espace de dix ans, à dater de la signature de cette Convention, les vaisseaux des Hautes Puissances ou ceux appartenans à leurs sujets respectifs, auront également la liberté de fréquenter, sans molestation quelconque, toutes les mers intérieures, les golphes, havres et criques dans les parties de la côte mentionnées dans l'Article 3—pour exercer la pêche, la trafiquer avec les indigènes.

ARTICLE VI.

Le port de Sitka ou Novo Archangelsk sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de dix ans à dater de l'échange des ratifications de cette Convention. Au cas qu'une

prolongation de ce terme de dix ans sera accordée à quelqu'autre Puissance, une pareille prolongation en sera de même accordée à la Grande Bretagne.

ARTICLE VII.

La susdité libertè de Commerce ne sera pas censée embrasser le trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon ou d'autres munitions de guerre, les Hautes Parties Contractantes, s'engageant réciproquement à ne pas laisser vendre, ni livrer de quelque manière que se puisse être, aux indigènes du pays, les Articles ci-dessus mentionnés.

ARTICLE VIII.

Tout vaisseau Britannique ou Russe naviguant l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelqu'autre accident à se réfugier dans les ports des parties respectives, aura la liberté de s'y radouber et s'y pourvoir de toute chose nécessaire et se remettre en mer saus payer d'autres droits que ceux de ports et de fanaux, qui toutefois n'excéderont pas les mêmes droits payés par les navires nationaux. Dans le cas, cependant, que le patron d'un tel navire se trouvera dans la nécessité de se defaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux ordonnances et aux tarifs de l'endroit où il aura abordé.

ARTICLE IX.

Dans tout cas de plaintes par rapport à l'infraction des Articles de la présente Convention, des officiers employés de part et d'autre sans se permettre, au préalable, aucune voie de fait, ou mesure de force, seront tenus de faire un rapport exact de l'affaire et de ses circonstances, à leurs Cours respectives lesquelles s'engagent à le regler selon la justice et à l'amiable.

ARTICLE X.

La presente Convention sera ratifiée, et les ratifications en seront échangées à —— dans l'espace de —— mois, ou plus tôt si faire se peut.

En foi de quoi, &c.

NOTE.—The preceding Projet is in the handwriting of George Canning's secretary. It contains many annotations, corrections, and marginal notes in lead pencil in the handwriting of Matusevich, an official of the Russian office and afterwards an Ambassador Extraordinary. The following is a copy of the Projet, with these corrections and alterations incorporated. Portions of the original which thus undergo alteration are underscored in lead pencil.

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*Contre-projet submitted by Stratford Canning, February 1 (13), 1825.***

[Translation.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of All the Russias, desiring to draw closer the ties of good understanding and friendship which unite them, by means of an agreement which shall settle, in accordance with

the principles of mutual accommodation, various points relating to commerce and navigation and to the fisheries of their subjects in
124 the Pacific Ocean, as well as the boundaries of their respective possessions on the north-west coast of America, have appointed Plenipotentiaries to conclude a Convention for that purpose, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland, —— ——, and His Majesty the Emperor of All the Russias, —— ——, which Plenipotentiaries, after communicating to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Powers shall not be troubled or [a]annoyed in any part of the Great Ocean, commonly called the Pacific Ocean, either in navigation or in the exploitation of the fisheries, or in the right to land on the coasts at points not already occupied in order to trade there with the natives, subject, however, to the restrictions and conditions provided in the following Articles:

ARTICLE II.

With a view to prevent the rights of navigation and fishing exercised in the Great Ocean by the subjects of the High Contracting Parties from becoming a pretext for an illicit trade, it is agreed that the subjects of His Britannic Majesty shall not land at any point where there is a Russian establishment without the permission of the governor or commandant, and that in return Russian subjects shall not land without permission at any British establishment on the north-west coast.

ARTICLE III.

The line of demarcation between the possessions of the High Contracting Parties situated on the continent and islands of North-West America shall be drawn as follows:

Beginning at the most southern point of the island called Prince of Wales, which point is under the parallel of 54° 40′, and between the one hundred and thirty-first and the one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall ascend to the north (Prince of Wales Island belonging entirely to Russia) along the passage called Portland Channel *until it touches the coast of the mainland at the fifty-sixth degree of north latitude.* From the point at which the line of demarcation touches the fifty-sixth degree it shall follow the crest of the mountains, in a direction parallel to the coast, to the one hundred and forty-first degree of west longitude, same meridian, and thence the meridian line of the one hundred and forty-first degree of west longitude, in its prolongation to the Arctic Ocean (Icy Sea), shall form the frontier between the respective possessions of the two Powers: *Provided, however,* That if the crest of the said mountains, in any part whatever of their extent, shall be found to be more than ten maritime leagues from the Pacific Sea, the line of

[a] Hampered.

demarcation for that space shall be a line parallel to the sinuosities
the coast, so that the line of demarcation shall not be anywhere mo
than ten leagues from the coast.

It is agreed, moreover, that no establishment shall be formed
either of the two parties within the limits assigned by this Article
the other. British subjects shall not form any establishment, eith
on the coast or on the strip of mainland included in the limits of t
Russian possessions as they are described in this Article; and, in t
same way, no such establishment shall be formed by Russian subje
beyond the said limits.

ARTICLE IV.

It is understood that the subjects of His Britannic Majesty, wheth
coming from the interior of the continent or arriving from the Paci
Ocean, shall enjoy for ever the right to navigate, freely and witho
any molestation whatever, all the rivers which, in their course to t
Pacific Ocean, cross the line of demarcation along the strip of t
coast mentioned in the preceding Article.

125 ARTICLE V.

It is, however, understood that for the period of ten years, to da
from the signing of this Convention, the vessels of the High Power
or those belonging to their respective subjects, shall have equally t
right to frequent, without any molestation whatever, all the interi
seas, the gulfs, havens, and creeks in the parts of the coast mentione
in Article III, to carry on fishing and to trade with the natives.

ARTICLE VI.

The port of Sitka or Novo-Archangelsk shall be open to the co
merce and the vessels of British subjects for the period of ten yea
to date from the exchange of the ratifications of this Convention.
the event that[a] a prolongation of this term of ten years[b] is granted
any other Power, a similar prolongation shall be likewise granted
Great Britain.

ARTICLE VII.

The above-mentioned freedom of commerce shall not be held
include the traffic in spirituous liquors, in firearms, in side arms,
gunpowder, or other munitions of war, the High Contracting Parti
binding themselves mutually not to furnish the natives of the count
with the articles above mentioned in any manner whatever.

ARTICLE VIII.

Every British or Russian vessel navigating the Pacific Ocean whi
may be compelled by storms or any other accident to take refuge
the ports of the respective parties, shall have liberty to make[c] repai
and to provide itself there with all necessaries, and to put to sea wit
out paying any other dues than harbour and light-house dues, whic

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[a] Of? [b] Being? [c] Refit?

however, shall not exceed the same dues paid by the vessels of the country. In case, however, the master of such vessel should find himself compelled to dispose of a portion of his goods to meet his expenses, he shall be bound to conform to the ordinances and tariffs of the place at which he has touched.

ARTICLE IX.

In every case of complaint of the violation of the Articles of the present Convention, the officials employed on each side shall, without allowing themselves at first[a] any act of violence or employment of force, be bound to make an accurate report of the matter and the circumstances connected with it to their respective Courts, which bind themselves to settle it in accordance with justice and in an amicable manner.

ARTICLE X.

The present Convention shall be ratified and the ratification shall be exchanged at —— within the period of —— months, or sooner if possible.

In witness whereof, &c.

No. 51.

*S. Canning's Contre-Projet, as altered and corrected by Matusevich.***

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la côte nord ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet; savoir,

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, —— ——,

Et Sa Majesté l'Empereur de toutes les Russies —— ——, lesquels Plénipotentiaires après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants:

126 ARTICLE I.

Il est convenu que dans aucune partie du Grand Océan appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

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[a] Previously?

ARTICLE II.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le Grand Océan par les sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe sans la permission du gouverneur ou commandant; et que réciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement Britannique sur la côte nord ouest.

ARTICLE III.

La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur le Continent et les Isles de l'Amérique Nord Ouest sera tracée ainsi qu'il suit:

À partir du point le plus méridional de l'Isle dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54. degré 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich) la dite ligne remontera au nord le long de la passe, dite *Portland Channel*, jusqu'à l'endroit où cette passe se termine dans l'intérieur de la terre ferme au 56me degré de latitude nord—depuis ce dernier point la ligne de démarcation suivra la crête des montagnes dans une direction parallèle à la côte, jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien).

ARTICLE IV.

Il est entendu, 1° que l'île dite *Prince of Wales* appartiendra tout entière à la Russie.

2°. Que la lisière de côte mentionnée ci-dessus qui doit appartenir à cette même Puissance et remonter de la parallèle du 56° de latitude nord au point d'intersection du 141° de longitude ouest, aura pour limites la crête des montagnes ainsi qu'il a été dit plus haut, mais que partout où la distance entre la crête des montagnes et la mer se trouverait de plus de dix lieues marines la limite de cette même lisière sera formée par une ligne parallèle aux sinuosités de la côte, et que ne pourra jamais s'eloigner de la mer que de dix lieues marines.

3°. Qu'à partir du point d'intersection du 141° degré de longitude ouest, la ligne de ce même degré formera dans son prolongement vers la Mer Glaciale, la frontière entre les possessions respectives des Hautes Parties Contractantes.

ARTICLE V.

Il est convenu en outre que nul établissement ne sera formé par l'une des deux parties dans les limites assignées par cet Article à l'autre; les sujets britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions russes telles qu'elles sont désignées par cet Article; et, de même, nul établissement pareil ne sera formé par des sujets russes au delà des dites limites.

ARTICLE VI.

Les sujets de Sa Majesté Britannique qui viendront de l'intérieur du Continent, arriver à l'Océan Pacifique ou de l'Océan Pacifique se rendre dans l'intérieur du continent jouiront à perpétuité du droit de naviguer librement et sans entrave quelconque sur tous les fleuves et rivières qui dans leurs cours vers la Mer Pacifique traverseront les limites de territoire russe sur la lisière de la côte indiquée dans l'Article précédent.

127 ARTICLE VII.

Pendant l'espace de dix ans, à dater de la signature de cette Convention, les vaisseaux des Hautes Puissances, ou ceux appartenant à leurs sujets respectifs, auront également la liberté de fréquenter sans entrave ni empêchements quelconque, toutes les mers intérieures, les golphes, havres et criques dans les parties de la côte mentionnées dans l'Article 3 pour exercer la pêche et trafiquer avec les indigènes.

ARTICLE VIII.

Le Port de Sitka ou Novo Archangelsk sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de dix ans à dater de l'échange des ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix ans soit accordé à quelqu'autre Puissance, la même prolongation sera également accordée à la Grande Bretagne.

ARTICLE IX.

La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre, les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre ni livrer de quelque manière que ce puisse être, aux indigènes du pays, les articles ci-dessus mentionnés.

ARTICLE X.

Tout vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelqu'accident de se réfugier dans les ports des parties respectives, aura la liberté de s'y radouber et s'y pourvoir de tous les objets qui lui seront nécessaires et se remettre en mer sans payer d'autres droits que ceux de port et de fanaux, lesquels seront pour eux les mêmes que pour les bâtimens nationaux. Si cependant le patron du navire avarié se trouverait dans la nécessité de se defaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux ordonnances et aux tarifs de l'endroit où il aura abordé.

ARTICLE XI.

Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autoritiés civiles et militaires des deux Hautes Parties Contractantes sans se permettre, au préalable, ni voie

de fait, ni mesure de force, seront tenus de faire un rapport exact de l'affaire et de ses circonstances, à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable et d'après les principes d'une parfaite justice.

ARTICLE XII.

La présente Convention sera ratifiée, et les ratifications en seront échangeés à —— dans l'espace de —— mois, ou plus tôt si faire se peut.
En foi de quoi, &c.

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*S. Canning's Contre-Projet, as altered and corrected by Matusevich.***

[Translation.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of All the Russias, desiring to draw closer the ties of good understanding and friendship which unite them, by means of an agreement which shall settle in accordance with the principle of mutual accommodations, various points relating to the commerce, the navigation, and the fisheries of their subjects in the Pacific Ocean, as well as the boundaries of their respective possessions on the north-west coast of America, have appointed Plenipotentiaries to conclude a Convention for that purpose, to wit:

128 His Majesty the King of the United Kingdom of Great Britain and Ireland, ——— ———, and His Majesty the Emperor of All the Russias, ——— ———, which Plenipotentiaries, after communicating to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or annoyed[a] in any part of the Great Ocean, commonly called the Pacific Ocean, either in navigation, or in the exploitation of the fisheries, or in the right to land on the coasts at points not already occupied, in order to trade there with the natives, subject, however, to the restrictions and conditions provided in the following Articles.

ARTICLE II.

With a view to prevent the rights of navigation and fishing exercised in the Great Ocean by the subjects of the High Contracting Parties from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any point where there is a Russian establishment without the permission of the governor or commandant; and that, in return, Russian subjects shall not land without permission at any British establishment on the north-west coast.

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[a] Hampered.

ARTICLE III.

The line of demarcation between the possessions of the High Contracting Parties on the continent and the islands of North-West America shall be drawn as follows:

Beginning at the most southern point of the island called *Prince of Wales*, which point is under the parallel of 54° 40′ north latitude and between the one hundred and thirty-first and one hundred and thirty-third degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the passage called *Portland Channel* to the place where that passage ends in the interior of the mainland, at the fifty-sixth degree of north latitude. From this last point the line of demarcation shall follow the crest of the mountains in a direction parallel to the coast to the point of intersection of the one hundred and forty-first degree of west longitude (same meridian).

ARTICLE IV.

It is understood:

1. That the island called Prince of Wales shall belong entirely to Russia.

2. That the strip of coast mentioned above, which is to belong to this same Power, and to ascend from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall have as its boundary the crest of the mountains, as has been said above, but that, wherever the distance between the crest of the mountains and the sea shall be more than 10 marine leagues, the boundary of this same strip shall be formed by a line parallel to the sinuosities of the coast, and which shall nowhere be more than 10 marine leagues from the sea.

3. That, beginning at the point of intersection of the one hundred and forty-first degree of west longitude, the line of that same degree shall form, in its prolongation toward the Arctic Ocean, the frontier between the respective possessions of the High Contracting Parties.

ARTICLE V.

It is agreed, moreover, that no establishment shall be formed by either of the two parties within the limits assigned in this Article to the other. British subjects shall not form any establishment either on the coast or on the strip of mainland included in the limits of the Russian possessions as they are described in this Article; and, in like manner, no such establishment shall be formed by Russian subjects beyond the said limits.

129 ARTICLE VI.

The subjects of His Britannic Majesty who may come from the interior of the continent to the Pacific Ocean, or who may go from the Pacific Ocean to the interior of the continent, shall enjoy for ever the right to navigate, freely and without any obstacle, all the rivers and streams that, in their course towards the Pacific Ocean, may cross the limits of Russian territory on the strip of the coast described in the preceding Article.

ARTICLE VII.

During the period of ten years, to date from the signing of this Convention, the vessels of the High Powers or those belonging to their respective subjects, shall have equally the right to frequent, without any let or hindrance whatever, all the interior seas, the gulfs, havens, and creeks in those parts of the coast mentioned in Article III, in order to carry on fishing and to trade with the natives.

ARTICLE VIII.

The port of Sitka or Novo-Archangelsk shall be open to the commerce and vessels of British subjects for the period of ten years, to date from the exchange of the ratifications of this Convention. In the event that a prolongation of this term of ten years should be granted to any other Power, the same prolongation shall be likewise granted to Great Britain.

ARTICLE IX.

The above freedom of commerce shall not apply to the traffic in spirituous liquors, firearms, side arms, gunpowder, or other munitions of war, the High Contracting Parties binding themselves mutually not to allow to be sold, or to be furnished in any manner whatever, to the natives of the country the articles above mentioned.

ARTICLE X.

Every British or Russian vessel navigating the Pacific Ocean that may be compelled by storms or by any accident to take refuge in the ports of the respective parties, shall be at liberty to refit and to provide itself there with everything that it may need, and to put to sea again without paying any dues except port and light-house dues, which shall be the same for them as for the vessels of the country. If, however, the master of the damaged vessel should find himself compelled to dispose of a portion of his goods in order to meet his expenses, he shall be required to conform to the ordinances and tariffs of the place at which he has touched.

ARTICLE XI.

In all cases of complaint with regard to the violation of the Articles of the present Convention, the civil and military authorities of the two High Contracting Parties, without permitting themselves, beforehand, any act of violence, or employment of force, shall be required to make a detailed report of the matter and its attendant circumstances to their respective Courts, which bind themselves to settle it amicably and in accordance with the principles of perfect justice.

ARTICLE XII.

The present Convention shall be ratified and the ratifications shall be exchanged at ——— within the period of ——— months, or sooner, if possible.

In witness whereof, &c.

No. 66.

Mr. G. Canning to Mr. S. Canning.

No. 6.] FOREIGN OFFICE, *March 15, 1825.*

SIR: Your despatches to No. 13 inclusive have been received and laid before the King.

130 I inclose to you a copy of a despatch received from Mr. Addington by which you will see that the Government and Senate of the United States have ratified the Treaty of North-West American Boundaries and Navigation which was negotiated at St. Petersburgh last year.

It is hardly necessary to point out to you the additional force which the conclusion of this transaction gives to that part of your instructions on the same subject which prescribes the demand for this country of terms as favourable as those which have been obtained by the United States.

I am, with great truth and regard, your most obedient humble servant,

(Signed) GEORGE CANNING.

No. 67.

Mr. S. Canning to Mr. G. Canning.

No. 15.] ST. PETERSBURGH, *February 17 (March 1), 1825.*

SIR: By the messenger Latchford I have the honour to send you the accompanying Convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and the north-west coast of America, which according to your instructions I concluded and signed last night with the Russian Plenipotentiaries.

The alterations which, at their instance, I have admitted into the "Projet" such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiation, as stated in the preamble of the Convention, is preserved in the Articles of that instrument. The line of demarcation along the strip of land on the north-west coast of America assigned to Russia is laid down in the Convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the Articles, by the Russian Plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiation to a satisfactory and prompt conclusion, is the division of the 3rd Article of the new "Projet," as it stood when I gave it in, into the 3rd, 4th and 5th Articles of the Convention signed by the Plenipotentiaries.

This change was suggested by the Russian Plenipotentiaries, and at first it was suggested in a shape which appeared to me objectionable, but the Articles as they are now drawn up I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the 4th Article had already appeared parenthetically in the

3rd Article of the "Projet," and the whole of the 4th Article is limited in its signification and connected with the Article immediately preceding it by the first paragraph.

With respect to Behring's Straits I am happy to have it in my power to assure you, on the joint authority of the Russian Plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits, or of the seas to the north of them.

It cannot be necessary under these circumstances to trouble you with a more particular account of the several conferences which I have held with the Russian Plenipotentiaries, and it is but justice to state that I have found them disposed throughout this latter stage of the negotiation to treat the matters under discussion with fairness and liberality.

As two originals of the Convention prepared for His Majesty's Government are signed by the Plenipotentiaries, I propose to leave one of them with Mr. Ward for the Archives of the Embassy.

I have, &c.

(Signed) STRATFORD CANNING.

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*Count Nesselrode to Count Lieven.***

ST. PÉTERSBOURG, *le 20 Février/3 Mars, 1825.*

MONSIEUR LE COMTE: Je me félicite de pouvoir annoncer à
131 Votre Excellence que mes négociations avec Mr. Stratford Canning relativement à la côte N. O. de l'Amérique, ont été couronnées de succès.

Nous venons de signer la convention dont copie ci-jointe.

Le seul point qui ait donné lieu à quelques difficultés dans nos discussions avec le Plénipotentiaire Britannique avait rapport aux limites de la lisière de côte que la Russie doit posséder sur le continent Américain depuis le 56° de lat. N. jusqu'au point d'intersection du 141° de long. Ouest.

L'Empereur eut trouvé plus réciproquement juste, plus également avantageux, que la frontière naturelle, formée par les montagnes qui bordent la côte fut adoptée de part et d'autre, comme ligne de démarcation invariable. L'Angleterre y eut gagné partout où ces montagnes se seraient trouvées à moins de dix lieues marines de la mer; la Russie partout où cette distance aurait été plus grande et vu le peu de précision des notions géographiques qu'on possède sur ces contrées un tel arrangement eut offert une entière parité de chances favorables aux deux Parties contractantes.

Cependant Mr. Stratford Canning ayant déclaré que ses instructions ne lui permettaient pas d'accueillir les vœux que nous lui avions exprimés sous ce rapport, l'Empereur pour donner une dernière preuve de ses dispositions amicales à Sa Majesté Britannique, nous autorisa à signer l'acte en question tel que j'ai l'honneur de le transmettre à Votre Excellence.

Je lui en enverrai incessamment les ratifications et je profite de cette occasion pour Lui accuser la réception de ses dépêches du 30 mars/12 Février que je me suis empressé de porter à la connaissance de l'Empereur.

Recevez, Monsieur le Comte, l'assurance de ma haute considération.

*Count Nesselrode to Count Lieven.***

[Translation.]

ST. PETERSBURGH, *February 20 (March 3), 1825.*

MONSIEUR LE COMTE: I congratulate myself on being able to inform your Excellency that my negotiations with Mr. Stratford Canning with regard to the north-west coast of America have been crowned with success.

We have just signed the Convention, a copy of which is inclosed.

The only point that has given rise to any difficulties in our discussions with the British Plenipotentiary related to the limits of the strip of coast which Russia is to possess on the American continent from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude.

The Emperor would have found it more mutually just, more equally advantageous, if the natural frontier formed by the mountains bordering on the coast were adopted by both parties as the invariable line of demarcation. England would have gained thereby wherever those mountains were less than 10 marine leagues from the sea; Russia, wherever that distance was greater; and in view of the want of accuracy of the geographical notions which we possess as to these countries, such an arrangement would have offered an entire equality of favourable chances to the two contracting parties.

However, Mr. Stratford Canning having declared that his instructions did not permit him to entertain the wishes which we had expressed to him on this point, the Emperor, in order to give His Britannic Majesty a last proof of his friendly feelings, authorized us to sign the act in question, such as I have the honour to transmit it to your Excellency.

I shall shortly send you the ratifications, and I avail myself of this opportunity to acknowledge the receipt of your dispatches of March 30 (*February 12*), which I hastened to communicate to the Emperor.

Receive, Monsieur le Comte, the assurance of my high consideration.

No. 68.

Count Nesselrode to Count Lieven.

ST. PÉTERSBOURG, *le 13 Mars, 1825.*
(Communicated April 18.)

MONSIEUR LE COMTE: Votre Excellence trouvera ci-joint la
132 ratification de la Convention que nous avons conclue avec Mr. Stratford Canning, au sujet des possessions respectives de la Russie et de la Grande-Bretagne, sur la côte nord-ouest de l'Amérique.

En échangeant cet instrument contre celui qui doit nous être remis par la Cour de Londres, l'Empereur désire, M. le Comte, que vous observiez à Mr. Canning, qu'il eût été plus conforme, d'après l'opinion de Sa Majesté Impériale, et aux principes d'une mutuelle justice et à ceux des convenances réciproques, de donner pour frontière à la lisière de côte que la Russie doit posséder depuis le 56° de latitude Nord, jusqu'au point d'intersection du 141° de longitude, ouest, la crête des montagnes qui suivent les sinuosités de la côte. Cette stipulation, en

effet, eût assuré aux deux Puissances une parfaite égalité d'avantages et une limite naturelle. L'Angleterre y eut trouvé son profit partout où les montagnes sont à moins de 10 lieues marines de la mer, et la Russie partout où la distance qui les en sépare est plus grande. Il nous semble que, touchant des contrées dont la géographie est encore peu connue, on ne pouvait proposer de stipulation plus équitable. Votre Excellence ajoutera, que le Plénipotentiaire de Sa Majesté Britannique ayant déclaré qu'il se trouvait dans l'impossibilité d'accueillir les vœux que nous lui avons exprimés sous ce rapport, c'est uniquement pour donner au Roi d'Angleterre une preuve de ses dispositions amicales que notre auguste Maître nous a permis de signer cet Article tel qu'il existe dans la Convention actuelle.

L'Empereur se flatte que Sa Majesté Britannique appréciera un aussi sincère témoignage du désir qui nous animait de terminer des discussions fâcheuses et d'en prévenir le retour par une transaction définitive.

Votre Excellence est autorisée à donner lecture de la présente à Mr. Canning, et à lui en laisser une copie avec prière de la mettre sous les yeux du Roi.

Recevez, Monsieur le Comte, l'assurance de ma haute considération.

[Translation.]

Count Nesselrode to Count Lieven.

ST. PETERSBURGH, *13 March, 1825.*
(Received 29 March 10 April.)

MONSIEUR LE COMTE: Your Excellency will find inclosed the ratification of the Convention which we have concluded with Mr. Stratford Canning with regard to the respective possessions of Russia and Great Britain on the North-West Coast of America.

Upon exchanging this instrument for that which is to be delivered to you by the Court of London, the Emperor wishes you, Monsieur le Comte, to remark to Mr. Canning that it would have been more in conformity, in the opinion of His Imperial Majesty, both with the principles of mutual justice and with those of reciprocal accommodations, to give as a frontier to the strip of coast which Russia is to possess from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitute the crest of the mountains which follow the sinuosities of the coast.

This stipulation, in fact, would have secured to the two Powers a perfect equality of advantages and a natural boundary. England would have found her profit in it wherever the mountains are less than 10 marine leagues from the sea, and Russia wherever the distance separating them from it is greater. It seems to us that, in the case of countries whose geography is still little known, no more equitable stipulation could be proposed. Your Excellency will add that, as the Plenipotentiary of His Britannic Majesty had declared that he found it impossible for him to entertain the wishes which we expressed to him on this point, it was solely to give the King of England a proof of his friendly feelings that our August Master permitted us to sign this Article such as it exists in the present Convention.

The Emperor flatters himself that His Britannic Majesty will appreciate so sincere a testimony of the desire by which we were actuated to put an end to disagreeable discussions, and to prevent a return of them, by a definitive compromise.

Your Excellency is authorized to read the present to Mr. Canning, and to leave him a copy of it, with the request that he will place it before the eyes of the King.

Receive, Monsieur le Comte, the assurance of my high consideration.

[No. 8. Extract.]

133 *Mr. G. Canning to Mr. S. Canning.*

FOREIGN OFFICE, *April 2, 1825.*

SIR: Your despatches by the messenger Latchford were received here on the 21st of March, and that of the 12th of March by the post on the 28th.

Having laid them before the King I have received His Majesty's commands to express His Majesty's particular satisfaction at the conclusion of the Treaty respecting the Pacific Ocean and the north-west coast of America in a manner so exactly conformable to your instructions, and to direct you to express to the Russian Government the pleasure which His Majesty derives from the amicable and conciliatory spirit manifested by that government in the completion of this transaction. * * * *

(The remainder of this letter is foreign to the subject under review.)

I am, with great truth and regard,

Sir, your most obedient humble servant,

(Signed) GEORGE CANNING.

No. 69.

Mr. S. Canning to Mr. G. Canning.

ST. PETERSBURGH, *April (3/15), 1825.*
(Received May 3.)

No. 30.]

SIR: I beg to trouble you with a few words in acknowledgment of your two despatches, the one containing a copy of a letter addressed by you to His Excellency Prince de Polignac on the subject of certain oyster fisheries lying between the Island of Jersey and the adjacent coast of France, and the other inclosing a despatch from Mr. Addington to you announcing the ratification of the Convention concluded last year between Russia and the United States touching the navigation of the Pacific Ocean and other matters connected with that subject.

I trust that the objects to which the communications transmitted with those despatches relate have been found to be sufficiently secured by the Convention which, under your instructions, I have signed during my residence here in concert with the Russian Plenipotentiaries.

With respect to the right of fishing, no explanation whatever took place between the Plenipotentiaries and myself in the course of our

negotiations. As no objection was started by them to the Article which I offered in obedience to your instructions, I thought it inadvisable to raise a discussion on the question, and the distance from the coast at which the right of fishing is to be exercised in common passed without specification, and consequently rests on the law of nations as generally received.

Conceiving, however, at a later period that you might possibly wish to declare the law of nations thereon jointly with the Court of Russia in some ostensible shape, I broached the matter anew to Count Nesselrode, and suggested that he should authorize Count Lieven, on your invitation, to exchange notes with you declaratory of the law as fixing the distance at one marine league from the shore.

Count Nesselrode replied that he should feel embarrassed in submitting this suggestion to the Emperor just at the moment when the ratifications of the Convention were on the point of being dispatched to London, and he seemed exceedingly desirous that nothing should happen to retard the accomplishment of that essential formality. He assured me at the same time that his Government would be content, in executing the Convention, to abide by the recognized law of nations, and that if any question should hereafter be raised upon the subject, he should not refuse to join in making the suggested declaration, on being satisfied that the general rule under the law of nations was such as we supposed.

Having no authority to press the point in question, I took the assurance thus given by Count Nesselrode as sufficient, in all probability, to answer every national purpose.

134 Referring to the American Treaty, I am assured as well by Count Nesselrode as by Mr. Middleton that the ratification of that instrument was not accompanied with any explanations calculated to modify or affect in any way the force and meaning of its Articles. But I understand that at the close of the negotiation of that Treaty a Protocol intended by the Russians to fix more specifically the limitations of the right of trading with their possessions, and understood by the American Envoy as having no such effect, was drawn up and signed by both parties. No reference whatever was made to this paper by the Russian Plenipotentiaries in the course of my negotiation with them, and you are aware, Sir, that the Articles of the Convention which I concluded, depend for their force entirely on the general acceptation of the terms in which they are expressed.

I have, &c.

(Signed) STRATFORD CANNING.

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*Count Lieven to Count Nesselrode.***

LONDRES, *8/20 Mai, 1825.*

MONSIEUR LE COMTE: Conformément aux ordres de Votre Excellence je me suis empressé de donner à Mr. Canning lecture et copie de la Dépêche accompagnant l'envoi de notre Ratification de la Convention conclue avec Mr. Stratford Canning au sujet des possessions respectives de la Russie et de la Grande Bretagne sur la côte nord-ouest de l'Amérique.

Avant même la réception de cette pièce, je m'étois fait un devoir d'observer au Secrétaire d'État, combien le refus du Gouvernement

Anglois de consentir à la fixation de la frontière au moyen de la crête des montagnes qui suivent les sinuosités ne la côte, devoit paroître rigoureux au Cabinet Impérial, lorsqu'il de s'agit que de l'occupation de quelques lieues de terre de plus ou de moins, et qu'une immense étendue de pays désert nous sépare encore des possessions Angloises.

J'appelai également son attention, sur l'influence inévitable que la roideur que nous avions éprouvée sur un point aussi peu important en lui même, exerceroit sur la conduite des négociations de la même nature que le Gouvernement Anglois alloit être dans le cas d'entreprendre incessamment avec les États Unis, auxquels cette circonstance ne manqueroit certainement pas de donner la mesure des difficultés et des prétentions qu'ils auront à combattre.

Mr. Canning, en rendant pleine justice aux intentions qui ont déterminé les concessions consentées par notre Cour, dont la marche en cette occasion a porté incontestablement l'empreinte des dispositions amicales de Sa Majesté l'Empereur vis à vis de l'Angleterre, a cherché à justifier l'insistance du Gouvernement Britannique, en m'assurant, qu'elle dérivoit uniquement du désir sincère de prévenir le retour de toute discussion fâcheuse à l'avenir, et non d'une intention quelconque d'acquérir un accroissement de territoire, ou de limiter l'extension des possessions Russes; Que les contestations dans lesquelles le Gouvernement Anglois se trouve engagé en ce moment avec celui des États-Unis, à cause d'une stipulation du traité de Gand, semblable à celle proposée par notre Cour et qui fixoit également une chaîne de montagnes pour frontière entre les possessions des deux États, lui avoient démontré tout l'inconvénient d'une délimitation établie sur ce principe, les montagnes s'étant trouvées dévier très considérablement en réalité de la direction qui leur étoit désignée dans les cartes présumées les plus correctes et les plus détaillées; Que cet inconvénient s'étant présenté lorsquil s'agrssoit de contrées dont la géographie est bien plus connue que celles des régions auxquelles se réfèrent les stipulations de la Convention du 16 (28) Février dernier, le Gouvernement Anglois en insistant aujourd'hui sur la fixation d'une limite moins indéfinie, avoit cru donner une preuve du prix qu'il attache à prévenir jusqu'à la possibilité d'une discussion sur la teneur de la transaction conclue entre les deux Cabinets.

135 Ayant échangé avec Mr. Canning, dans la journée du 9 Avril, la ratification de notre Cour de cet acte, contre celle de Sa Majesté Britannique, j'ai l'honneur de transmettre ci-joint ce document à votre Excellence, accompagné, du certificat d'usage servant a constater l'échange qui a eu lieu entre le Secrétaire d'Etat et moi.

J'ai l'honneur, &c.

[Translation.]

*Count Lieven to Count Nesselrode.***

London, May 8 (20), 1825.

Monsieur le COMTE: In conformity with your Excellency's orders I hastened to read to Mr. Canning, and to give him a copy of, the despatch accompanying our ratification of the Convention concluded with Mr. Stratford Canning with regard to the respective possessions of Russia and Great Britain on the north-west coast of America.

Even before the receipt of that document, I had made it my duty to remark to the Secretary of State how ungracious the refusal of the English Government to consent to the establishment of the frontier by means of the crest of the mountains which follow the sinuosities of the coast must appear to the Imperial Cabinet, when it was merely a question of the occupation of a few leagues of land more or less, and when an immense extent of desert country still separates us from the English possessions.

I likewise called his attention to the influence which the stiffness which we had experienced upon a point of so little importance in itself would inevitably exercise upon the management of the negotiations of the same nature which the English Government would shortly be compelled to undertake with the United States, to whom this circumstance would certainly not fail to give some idea of the difficulties and claims which she will have to combat.

Mr. Canning, while rendering full justice to the intentions which determined the concessions granted by our Court, whose conduct on this occasion has borne indisputably the stamp of the friendly feelings of His Majesty the Emperor towards England, attempted to justify the persistence of the British Government by assuring me that it arose solely from a sincere desire to prevent the recurrence of any disagreeable discussion in future, and not from any intention of acquiring an increase of territory or of limiting the extension of the Russian possessions; that the disputes in which the English Government finds itself engaged at this moment with the United States Government, on account of a stipulation of the treaty of Ghent similar to the one proposed by our Court, and which likewise fixed a chain of mountains as the frontier between the possessions of the two States, had shown it all the inexpediency of a delimitation established on this principle, the mountains having been found to deviate very considerably from the direction given them on the maps which were thought to be the most correct and the most detailed; that this inexpediency having presented itself in the case of countries whose geography is much better known than that of the regions to which the stipulations of the Convention of February 16 (28) last relate, the English Government, in now insisting upon the fixing of a less vague boundary, thought that it gave a proof of the value which it attaches to the prevention of even the possibility of a discussion as to the tenour of the transaction[a] concluded between the two Cabinets.

Having exchanged with Mr. Canning, on the 9th April, the ratification of this act by our Court for that of His Britannic Majesty, I have the honour to transmit that document to your Excellency enclosed, accompanied by the customary certificate serving to establish the fact of the exchange which has taken place between the Secretary of State and myself.

I have the honour, &c.

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[a] Compromise?

136

CONVENTION FOR THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA TO THE UNITED STATES.

[Concluded March 30, 1867; ratifications exchanged June 20, 1867; proclaimed June 20, 1867.]

Sa Majesté l'Empereur de toutes les Russies et les États-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nommé à cet effet, pour leurs Plénipotentiaires, savoir; Sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé Edouard de Stoeckl, son envoyé extraordinaire et ministre plénipotentiaire aux États-Unis; et le Président des États-Unis, le Sieur William H. Seward, Secrétaire d'État, lesquels, après avoir échangé leur pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivants:

ARTICLE I.

Sa Majesté l'Empereur de toutes les Russies s'engage, par cette convention, à céder aux États-Unis, immédiatement après l'échange des ratifications, tout le Territoire a vec droit de souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles contiguës, le dit Territoire étant compris dans les limites géographiques ci-dessous indiquées, savoir: la limite orientale est la ligne de démarcation entre

[Translation.]

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: The President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following Articles:—

ARTICLE I.

His Majesty the Emperor of All the Russias agrees to cede to the United States, by this Convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian

les possessions Russes et Britanniques dans l'Amérique du Nord, ainsi qu'elle est établie par la convension, conclu entre la Russie et la Grande-Bretagne, le $\frac{16}{28}$ Février, 1825, et définie dans les termes suivants des Articles III et IV de la dite convention.

"A partir du point le plus méridional de l'Ile dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich) la dite ligne remontera, au nord le long de la passe dite Portland Channel, jusqu'au point de la terre firme où elle atteint le 56me degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien), et finalement, du dit point d'intersection la même ligne méridienne du 141me degré formera, dans son prolongement jusqn'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

"IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précédent:

137 "1° Que lile dite Prince of Wales, appartiendra toute entière à la Russie" (mais dès ce jour en vertu de cette cession aux États-Unis.)

"2° Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie" c'est-à-dire la limite des possessions cédées par cette convention: "sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines."

La limite occidentale des territoires cédés passe par un point au détroit de Behring sous la parallèle du soixante-cinquième degré trente minutes de latitude Nord à son intersection par le méridien qui sépare à distance égale les îles Krusenstern ou Ignalook et l'île Ratmanoff ou Noonarbook et remonte en ligne directe, sans limi-

and the British possessions in North America, as established by the Convention between Russia and Great Britain, of February 28-16, 1825, and described in Articles III and IV of said Convention, in the following terms:—

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding Article, it is understood—

"1st.—That the island called Prince of Wales Island shall belong wholly to Russia" (now, by this cession to the United States).

"2nd.—That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this Convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed are contained, passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Rat-

tation, vers le Nord, jusqu'à ce qu'elle se perde dans la mer Glaciale. Commençant au même point de départ, cette limite occidentale suit de là un cours presque Sud-ouest, à travers le détroit de Behring et la mer de Behring, de manière à passer à distance égale entre le point Nord-ouest de l'île Saint Laurent et le point Sud est du cap Choukotski jusqu'au méridien cent soixante-douzième de longitude Ouest; de ce point, à partir de l'intersection de ce méridien, cette limite suit une direction Sud-ouest de manière à passer à distance égale entre l'île d'Attou et l'île Copper du groupe d'îlots Kormadorski dans l'océan Pacifique Septentrional jusqu'au méridien de cent quatre-vingt treize degrés de longitude Ouest, de manière à enclaver, dans le Territoire cédé toutes les îles Aléoutes situées à l'est de ce méridien.

ARTICLE II.

Dans le Territoire cédé, par l'article précédent à la Souveraineté des Etats-Unis sont compris le droit de propriété sur tous les terrains et places publics, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété privée individuelle. Il est toutefois entendu et convenu que les églises construites par le Gouvernement Russe sur le Territoire cédé resteront la propriété des membres de l'Eglise Grecque Orientale résidant dans ce Territoire et appartenant à ce culte. Tous les archives, papiers, et documents du Gouvernement ayant trait au susdit Territoire et qui y sont maintenant déposés seront placés entre les mains de l'agent des États-Unis; mais les États-Unis fourniront toujours quand il y aura lieu des copies légalisées de ces documents au Gouvernement

manoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly south-west, through Behring's Straits and Behring's Sea, so as to pass midway between the north-west point of the island of St. Lawrence and the south-east point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a south-westerly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet, or group in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed that the churches which have been built in the ceded territory by the Russian Government shall remain the property of such members of the Greek Oriental Church resident in the territory as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United

Russe, aux officiers ou sujets Russes qui pourront en faire la demande.

ARTICLE III.

Il est réservé aux habitans du Territoire cédé le choix de garder leur nationalité et de rentrer en Russie dans l'espace de trois ans; mais s'ils préfèrent rester dans le territoire cédé ils seront admis, à l'exception toutefois des tribus sauvages à jouir de tous les
138 droits, avantages et immunités des citoyens des États-Unis et ils seront maintenus et protégés dans le plein exercice de leur liberté, droit de propriété et religion. Les tribus sauvages seront assujetties aux lois et règlements que les États-Unis pourront adopter de temps en temps à l'égard des tribus aborigènes de ce pays.

ARTICLE IV.

Sa Majesté l'Empereur de toutes les Russies nommera aussitôt que possible un agent ou des agents chargés de remettre formellement à l'agent ou aux agents nommés par les États-Unis, le territoire, la souveraineté, les propriétés, dépendances, et appartenances ainsi cédés et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit de possession immédiate, doit toutefois être considérée complète et absolue à l'échange des ratifications sans attendre la remise formelle.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette convention, les fortifications et les postes militaires qui se trouveront sur le territoire cédé seront remis à l'agent des Etats-Unis et les troupes Russes qui sont stationnées

States to the Russian Government, or to such Russian officers or subjects, as they may apply for.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilised native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilised tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty the Emperor of All the Russias shall appoint, with convenient dispatch, an agent, or agents, for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenancies, which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is, nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this Convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be

dans le dit Territoire, seront retirées dans un terme practicable et qui puisse convenir aux deux parties.

ARTICLE VI.

En considération de la susdite cession les États-Unis s'engagent à payer à la Trésorerie à Washington, dans le terme de dix mois après l'échange des ratifications de cette convention, sept millions deux cent milles de dollars en or, au Représentant diplomatique ou tout autre agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du territoire avec droit de souveraineté faite par cette convention, est déclarée libre et dégagée de toutes réservations, privilèges, franchises ou des possessions par des compagnies Russes ou tout autre légalement constituées ou autrement ou par des associations sauf simplement les propriétaires possédant des biens privés individuels et la cession ainsi faite transfère tous les droits, franchises et privilèges appartenant actuellement à la Russie dans le dit Territoire et ses dépendances.

ARTICLE VII.

Lorsque cette convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part et par le Président des Etats-Unis avec l'avis et le consentement du Sénat de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé cette convention et y ont apposé le sceau de leurs armes.

Fait à Washington le 18-30 jour de Mars de l'an de Notre-Seigneur mil huit cent soixante-sept

[L.S.] EDOUARD DE STOECKL.
[L.S.] WILLIAM H. SEWARD.

in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this Convention, to the diplomatic representative or other agent of His Majesty the Emperor of All the Russias duly authorised to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian, or any other, or by any parties, except merely private individual property holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this Convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of All the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of Lord one thousand eight hundred and sixty-seven.

[L.S.] WILLIAM H. SEWARD.
[L.S.] EDOUARD DE STOECKL.

EXTRACTS FROM "VANCOUVER'S VOYAGE OF DISCOVERY TO THE NORTH PACIFIC OCEAN AND ROUND THE WORLD." EDITION OF 1798.

Mr. Brown (Commander of the "Butterworth") reports to Vancouver the existence to the north-north-east of an extensive Inland Navigation communicating with a Northern Sea.

Whilst the Butterworth had remained stationary, Mr. Brown had been employed in his small vessels in various directions, and to some extent about this coast, particularly to the north-westward, in procuring of furs. He very obligingly communicated to me every information he had been able to obtain. The principal circumstance was that of his having sailed up a large opening, whose southern entrance was in latitude 54° 45′.

This is probably the same as that laid down in Senr. Caamano's chart, named *Estrecho de Almirante Fuentes*. Mr. Brown found it to extend to the north-westward, with several arms branching from it in various directions to the latitude of 56° 20′, where, in a south-westerly direction, it again communicated with the North Pacific. He had understood from the natives that there was in this neighbourhood a very extensive inland navigation, communicating with a sea to the northward, that employed the inhabitants nearly three months in reaching its extent, where they traded for whale oil, sea otter skins, and other marine productions. This inland navigation Mr. Brown supposed to be in an extensive arm, lying from hence towards the N. N. E. about nine leagues distant, the entrance of which he had visited, and found it spacious and large, but had not penetrated any distance into it. * * * * * * * *

Account of Vancouver's Exploration of Observatory Inlet and Portland Canal, beginning with Ship's voyage through Brown's Passage, between Dundas Island and Stephens's Island, to the south-east point of the entrance of the Inlet, which Point he named Point Maskelyne, thence up the Inlet.

The weather became more temperate the following morning, yet the land was so obscured by the haze that it was late in the forenoon before we could get any tolerable view of the surrounding shores; when the north part of Stephens's Island bore by compass S. 20 E. to S. 9 E., distant half a league; the north extreme of the rocky group N. 58 W., distant three miles, part of the ledge of rocks forming the north side

of the passage by which we had entered the sound N. 31 W. to N. 20 W., distant four and a half miles. This passage, after the commander of the Butterworth, I named Brown's Passage. The westernmost part of the land forming the north side of Brown's Passage bore N. 52 W., eight miles; the easternmost point of the same land being an island N. 9 E., seven miles; and an intermediate point of the same shore N. 37 W., distant six miles; between this land and the above ledge of rocks are other rocks and two small islets; the northernmost part of the east side of the sound in sight N. 13 E.; a group of islands N. 35 E. to N. 40 E.; a saddle island N. 74 E. to N. 77 E.; another group N. 80 E. to N. 84 E.; point Hunt, S. 75 E., distant 14 miles; and the station to which Mr. Whidbey had traced the continental boundary, being a small projecting point with an island to the south of it, N. 28 E., 11 miles distant.

Having thus gained a very competent view of the surrounding region in all directions, Mr. Whidbey was dispatched in the large cutter to recommence his examination of the continental shore towards the above N. N. E. opening. In this pursuit I purposed to follow him with the vessels. About eleven, in company with the Chatham and the sloop Prince le Boo sounding ahead, we again departed; on this occasion the Butterworth saluted as on our arrival, which was returned in the same manner.

The anchorage we had quitted, situated in latitude 54° 18′, longitude 229° 28′, is on the eastern side of a range of innumerable rocky islets and rocks, extending from the north side of Stephen's Island, N. 30 W., about a leagne and a half, and occupying a space of about two miles in width. To the westward of this group, at the distance of two or three miles, lies a low detached rock with some breakers near it; there are other lurking rocks lying about the same distance from the west side of Stephens's Island.

As the day advanced the weather became serene and pleasant, and as the wind was favourable, we made a very good progress along the eastern shores of the sound. These were low, and somewhat indented with small bays, but were bounded by a reef of rocks at the distance of a quarter of a mile from the shore. The more interior country was composed of a lofty range of mountains covered with perpetual snow. These, as well as the islands of the sound, produced a great number of pine trees, though apparently of no great size. In the evening we passed two clusters of low rocks, with some breakers about them to the west of us, as also the north point of the island forming the west side of Chatham's Sound to the northward of Brown's Passage. This island, in a direction N. 20 W., is 15 miles long, and five miles broad from east to west. To this Island I gave the name of DUNDAS'S ISLAND, after the Right Honorable Henry Dundas.

To the north of this island we had a distinct view of the ocean to the westward, through a spacious channel that appeared free from interruption; and by sunset we entered the arm, up which we expected to find this extensive inland navigation. To its south-east point of entrance I gave the name of POINT MASKELYNE, after the astronomer royal. It is situated in latitude 54° 42½′, and longitude 229° 45′, and off it lie two rocky islets, and to the south of it a small island close to the shore.

The apparent extent of this inlet did not answer my expectations from the description that had been given of it. Its entrance is not

more than two miles and a half across, and this, at the distance of a few miles, seemed to be materially contracted. If this be the same branch described by the natives, which is much to be questioned, especially as some of Mr. Brown's gentlemen considered the opening meant by those people to be further to the westward, it is called by them *Ewen Nass*. The word *Ewen* we understood to signify great or powerful; as *Ewen Smoket*, a great chief; but the word *Nass* was completely unknown to Mr. Brown and all of his party.

The divided country we had now examined, from the 47th degree of north latitude to this station, and the information derived from Mr. Brown rendered it highly probable that the continental shore still continued to have extensive islands lying between it and the ocean to a very considerable distance further north.

The length of time which, as Mr. Brown understood, occupied these people in making so distant a journey may be accounted for by their tardy mode of travelling through each other's dominions, or in passing through the various windings and crooked shallow channels, many of which, though sufficient for their canoes, were very probably unfit for the navigation of shipping. I have ever found it extremely hard, almost impossible, indeed, to make the inhabitants of these remote parts, and even the Sandwich Islanders, with whose languge we are much better acquainted, comprehend the kind of passage that is required for ships to pass through, or the kind of port or opening in the land that is capable of affording them safe and convenient shelter. In addition to which difficulty selfish or sinister views too frequently regulate them in the information they communicate. Be this as it may, it was our business now to determine the question, and embracing the favourable opportunity of a fair wind, we steered up the inlet, and were joined by Mr. Whidbey in the cutter, who had traced the continental shore to Point Maskelyne, where, on its becoming broken, he had desisted from any further examination until a future opportunity.

From Point Maskelyne, the two clusters of low rocks and breakers before noticed, lie, the northernmost S. 28 W. 8 miles, and the southernmost S. 33 W. distant 10 miles and a half; these, in the day time and in clear weather, are easily avoided, as there are always some of them above the surface of the water; but in dark nights, or foggy weather, they must render the navigation of the sound very dangerous. After passing between the northern cluster of these rocks, and the continental shore, with which they form a channel about a mile in width, we had about that distance from the main land, soundings at the depth of 45, 55, 30, 19, 12, and 8 fathoms, soft bottom; the latter about half a mile from Point Maskelyne. No bottom was however gained, after passing that point, with 60 and 70 fathoms of line, until 10 at night, when the Prince le Boo having reached the contracted part of the inlet, made the signal for having soundings and anchorage. We arrived at this station about 11, and anchored in 35 fathoms water, soft bottom, after passing two openings on the eastern shore, besides that immediately round Point Maskelyne, where Mr. Brown had had his dispute with the natives.

We found our station the next morning to be off the north-west part of an island lying near the eastern shore, and further up the inlet than those in the sloop had yet been; no information from them could therefore be any longer of use, though a continuation of their services would have been very acceptable. This made me regret that we had not one

or two vessels of 30 or 40 tons burthen, calculated as well for rowing as for sailing, to assist us in this intricate investigation, by which means much dispatch would have been given to our survey, and our labours would have been carried on with much less danger and hardship than we had constantly endured.

I intended to proceed up this inlet, until I should see sufficient employment for two boat parties, which I was convinced the surrounding region would soon afford; as also to seek a convenient situation where the vessels might remain; and whilst this service was executing, to embrace the opportunity for making such astronomical observations as might be procured, and which were become necessary for correcting our survey, and ascertaining with precision the situation of the several parts of the broken region, through which we had passed in the vessels and in the boats from Restoration cove to this inlet. Pursuant to this determination we weighed about seven in the morning, and the Prince le Boo returned to the Butterworth.

At our anchorage, lying from Point Maskelyne N. 24 E. distant six miles, the width of the inlet was scarcely half a league. On the western shore a small opening appeared to branch off in different directions. North of the island the breadth of the inlet increased again to about two or three miles, trending N. 39 E.

[Passes Branch, leading north-westerly into Channel examined later.]

141 In pursuing this line about four miles, we passed the south point of an opening on the eastern shore two miles wide, appearing to divide itself into several arms; but the western shore seemed to be compact, from the opening opposite the anchorage, until we arrived abreast of an opening, about two miles wide at its entrance on the western shore, seemingly divided into two or three branches, taking a direction about N. 18 W. The observed latitude at this time was 54° 58′, longitude 230° 3′. The branch of the inlet we were now navigating was not of greater width, nor did it appear likely to become more extensive than that to the westward of us just discovered. This made it uncertain which to consider as the main branch. Four other openings had been passed on the eastern shore, whose extent had not yet been ascertained; and although I was much inclined to follow the north-westerly branch, yet I was apprehensive, that by so doing we might be led too far from the continent, and by that means cause additional labour and loss of time. Our route was, for this reason, continued to the N. N. E. and another division of the inlet stretching to the eastward was soon discovered.

In the event of a convenient situation being found in this branch, I intended to stop the vessels there, and made the Chatham's signal, who had preceded us during the forenoon, to steer for the eastern opening, and shortened sail for the purpose of sending a boat before us to sound. Whilst we lay to wait the boat's return, a few of the natives visited the ship in five or six canoes; they brought little to dispose of, yet appeared to be anxious that we should remain in their neighbourhood. Several inquiries were made for *Ewen Nass*, but these people seemed to be totally ignorant of the phrase, until it had been repeated several times, and we had pointed in various directions; upon which, some of them repeated the words and imitated our motions, giving some amongst us reason to imagine, that they meant, that *Ewen Nass* was up this identical branch of the inlet; though in all other respects we remained totally ignorant of their language.

The appearance and direction of this opening, however, by no means favoured the opinion, that it was an extensive channel communicating with the ocean to the north. The water that flowed from it remained, without mixing, on the surface of the water of the inlet. The upper water was nearly fresh, of a lightish colour, interspersed with thick muddy sheets, indicating it to have flowed from a small river whose source was not very remote.

At three o'clock the cutter returned, with a very unfavourable account of the place, so far as their examination had gone; especially on the northern side of the opening, from whence a shallow flat extended some distance, on which there was not more than from one to three fathoms of water. The latter depth suddenly increased to 30, and at the distance of a cable's length from the edge of the bank to 50 and 60 fathoms. This shallow flat made the communication with the shore very unpleasant, and appeared to be continued all round. To those in the cutter, the opening seemed to be nothing more than a deep bay with very shallow water, excepting in its north-east part, where a branch from which the muddy water flowed, seemed to extend into the country. Across this branch they had also sounded, and found shallow water. As it did not, from this report, seem likely to answer our purpose, we proceeded round its north point of entrance, and again made sail up the inlet, which, beyond this bay, was in general about half a league wide. The shores on both sides were nearly straight and compact; in this pursuit our progress was greatly retarded by a counter tide, or undertow, and notwithstanding that we had a fresh gale from the south-east, the strength of this repelling current was such, that the wind had no influence whatever, though in other situations the vessel with such a gale would have gone five or six knots per hour. On this occasion the ship became totally unmanageable; the wind was sometimes ahead, at others astern, abroadside, and in every other direction, and we were drifting from side to side in the most unpleasant situation imaginable for two hours and a half, when the force of the wind prevailing, we advanced slowly up the inlet until about eleven at night. The distance of its shores had now again increased, and the country became less elevated. A small cove was discovered on the eastern shore, where we anchored in 30 fathoms water.

This place, however, not appearing likely to suit our purpose, Mr. Whidbey was dispatched early the next morning in quest of a more convenient situation, which the adjacent shores promised to afford, particularly in the northern quarter, where the land was moderately elevated and seemed to be much broken. The interior country was, however, still composed of lofty, barren, and snowy mountains.

In the forenoon Mr. Whidbey returned, having examined two or three coves, of which the most eligible appeared to be one that we had passed in the dark the preceding evening on the western shore, not more than a mile from our actual station. This afforded good anchorage, with every other convenience that we required. Having a moderate breeze from the southward, we lost no time in proceeding thither, where we anchored in 31 and 35 fathoms water, muddy and small-stony bottom. The points of the cove bore by compass N.N.E. and S. by E., the nearest shore W. by S. about a cable and a half distant, and the opposite shore of the inlet E.N.E. one mile distant.

On going on shore, we found a small canoe with three of the natives, who were employed in taking salmon, which were in great abundance, up a very fine run of fresh water that flowed into the cove. Some of these fish were purchased with looking glasses and other trinkets. They were small, insipid, of a very inferior kind, and partaking in no degree of the flavour of European salmon.

In the afternoon, the tents, observatory, chronometers, and instruments were sent on shore, under the directions of Mr. Whidbey; and Mr. Johnstone, in the *Chatham's* cutter, accompanied by Mr. Barrie in the Discovery's small cutter, and supplied with ten days' 142 provisions, departed for the purpose of recommencing the survey of the continental shore, northward from point Maskelyne.

Beginning of boat examination of the Inlet from Salmon Cove northerly, and return to Salmon Cove.

The account I had received of this famous inlet from Mr. Brown inducing me to undertake the principal examination of it myself, the *Discovery's* yawl and launch were equipped with supplies for a fortnight, being as much as they could possibly stow; Lieutenant Swaine was directed to attend me in the latter, and Mr. Puget, with Mr. Menzies, accompanied me in the yawl. The appearance of the country on the western side of this inlet, left me little doubt of its being the continent; and we departed in full expectation, that, during this excursion, we should finally determine the reality of the discoveries attributed to the labours of Admiral de Fonte.

With Mr. Whidbey I left the charge of the observatory, with orders to make all necessary observations for correcting the errors, and ascertaining the rate of the chronometers; and the more completely to effect the former, I desired that Mr. Baker, and some others of the gentlemen, would assist in making as many observations as the circumstances would admit of, for determining the true position of the station we had taken.

Chapter V.

AN EXTENSIVE BOAT EXCURSION—PARTY ATTACKED BY THE NATIVES—ASTRONOMICAL AND NAUTICAL OBSERVATIONS.

Matters being all adjusted and arranged, we departed at 5 o'clock on Wednesday morning, in thick, rainy, unfavourable weather, which continued until the forenoon, when it became fair and pleasant. Our course was first directed along the eastern shore, which from our anchorage on the night of the 22nd, took a direction N. 14 E. for six miles. We passed an island to the west of us, two miles long and half a mile broad, lying nearly in the same direction, about three-fourths of a mile from the eastern shore; and having reached this extent, we entered a narrow arm, leaving to the west a coast apparently much broken, and divided by water.

As we rapidly advanced up this arm, with a southerly wind, and a flood tide in our favour, its width increased to about a mile, and taking a winding course to the E.N.E. it was terminated by a low border of land, in latitude 55° 26′, longitude 230° 36′.

We stopped to dine about a mile short of the low border of land which composed the head of the arm. Here we were visited by seven

of the natives, who approached us in a canoe with much caution, and landed some of their party at a little distance, whilst the others advanced, seemingly with no small suspicion of our friendly intentions; this, however, was soon removed by the distribution of some trivial presents amongst them, and their reception being made known to their companions who had landed, these without the least hesitation joined our party also. They were well prepared with arms, consisting of long spears, bows, and arrows, together with an iron dagger, that each man wore about his neck or wrist. The chief of this party was soon pointed out, who, by means of signs easily understood, desired to partake of our repast. He was given some bread and dried fish, and afterwards a glass of brandy, all which were much relished by himself and two or three of his friends. These people differed very little from the generality of the circumjacent natives, and rather seemed to be an exception to the trivial differences pointed out in those few inhabitants who visited us in Fishmonger's Cove. Their language appeared to be similar in some respects to that spoken at Queen Charlotte's Islands, at least a few common-place expressions of that language were understood by these people. They made use of these, with many signs, to solicit us to visit their habitations, pointing out their situation to be on the low land at the head of the arm; but as it was out of our route we declined their invitations, and with a favourable ebb-tide returned towards the entrance of the arm, being accompanied by these our new acquaintances, who were soon joined by another party from the village in a smaller canoe. On finding, however, that we did not return for the purpose of trading, they all retired to the village.

About eight in the evening we reached the entrance of this arm, where we took up our abode for the night. The land of the shores which we had thus traced, was, comparatively speaking, low, yet the interior country rose suddenly, and terminated our view by a range of high, barren mountains, mostly covered with snow. The soil of the lower parts, near the shores, is chiefly composed of a light mossy substance, formed by the decay of trees and other vegetable productions, lying on an uneven rocky substance, which is the general foundation of this country, and of all the coast we had yet seen this season.

At four o'clock the next morning we proceeded again, with thick cloudy weather, attended with some flying showers of rain. Our course was directed up the branch that appeared to be the main arm of the inlet, through a narrow passage, occasioned by an island lying in mid-channel, about a league long, and three-quarters of a mile broad, and having near it some rocks and breakers, like that we passed the preceding day. From the west point of the arm that we had quitted, that which we were now pursuing extended N. 20. W. nearly straight, about ten miles; where, as usual, it was terminated by low swampy ground; and in latitude 55° 32′ longitude 230° 16′. Our expectations of discovering the extensive inland navigation, distinguished by the name of *Ewen Nass* were here a little disappointed; still, however, we entertained hopes of succeeding, by the appearance of the lowland on the western shore; and we returned in the afternoon to prosecute its examination. It was found to be a compact shore,

much indented with small bays and coves, and abounding in
143 some places with sunken rocks. In the south-westernmost of
these coves, which is the deepest, we halted for the night; and although a situation for our tents was fixed upon amongst the pine

trees, at least twenty feet above the surface of the water at our landing, and, as we thought, sufficiently without the reach of the tide, yet, about two in the morning, it flowed into the tents, and we were obliged to retire to our boats. At daylight we pursued the western shore of the inlet, towards the ships, where we arrived about noon.

Return from Salmon Cove to Branch leading north-westerly, and examination of Channel [part of Channel afterwards called Portland] to its head.

I now entertained no doubt of this being the continental shore; and it was equally evident to me that it extended itself far up that branch which we had passed in the afternoon of the 22nd, leading to the N. N. W. Having therefore determined to prosecute my researches in that quarter, our stock of provisions was recruited; and, after dining on board, we recommenced our examination along the western shore of the inlet, and rested for the night in a small cove about 12 miles to the southward of the ships. The afternoon and night were very rainy and unpleasant, but early the next morning we set out, with fair weather, and having a rapid tide in our favour, soon reached the east point of entrance into the N. N. W. branch; which, after Mr. Ramsden, the optician, I called POINT RAMSDEN, lying in latitude 54° 59′, longitude 230° 2½′. Off this point are some dangerous rocks, that are visible only at low tide; from hence we directed our course N. W. three miles, to a low point on the larboard shore, where we found this arm to communicate with another, leading in a S. W. and N. N. E. direction, and being in general about half a league in width. After breakfast, we pursued the latter direction, and steered for the eastern or continental shore. This extends first from Point Ramsden N 21 W. six miles, and takes a N. N. E. course. * * *

[Here follows an account of a meeting with a party of Indians.]

The weather, though pleasant, was unfortunately cloudy about noon, and prevented any observation being made for the latitude. The same unfavourable circumstance attended us during our excursion to the northward of the vessels. We continued to the N. N. E. without meeting any interruption or break in the shores until about eight in the evening, when we arrived at a point on the western shore, situated in latitude 55° 16′, longitude 230° 8′. Near this point we rested for the night. From hence the arm took a direction N. 15 W., continuing in general about the same width. Between us and the opposite shore was a small island nearly in mid-channel.

The weather being fair and pleasant, we started early the next morning, continuing our researches up this branch. At noon, the observed latitude on the eastern shore was 55° 25′, the longitude 230° 5′. From hence it took a more northerly direction, and then trended a little to the eastward of north where, by 10 in the forenoon of the following day, it was found to terminate in low marshy land, in latitude 55° 45′, longitude 230° 6′. The shores of this inlet were nearly straight, and in general little more than a mile asunder, composed mostly of high rocky cliffs, covered with pine trees to a considerable height; but the more interior country was a compact body of high barren mountains covered with snow. As we pursued this branch,

salmon in great plenty were leaping in all directions. Seals and sea otters were also seen in great numbers, even where the water was nearly fresh, and which was the case upwards of 20 miles from its termination.

Mortified with having devoted so much time to so little purpose, we made the best of our way back. At noon I observed the latitude to be 55° 42′; from whence to our reaching the western shore, near where we had entered this branch, occupied our time until late in the evening of the 30th, when we brought to in a small cove behind an island about half a league from us, and not far from the place where we had met the ungracious natives on the preceding Saturday.

The night was mild and pleasant, but a thick fog the next morning not only obscured the surrounding shores, but prevented our departure until eight o'clock, when, on its dispersing, we directed our examination along the western, or continental shore, to the S. S. W. in a continuation of the branch we had seen on the morning of the 27th. The shores of both sides were straight, compact, of moderate height, and in general little more than a mile asunder. At noon, the observed latitude on the western shore was 54° 55½′, longitude 229° 47′; the inlet still continuing in the same direction. On the western shore, about half a league to the southward of this station, we entered a small opening not more than a cable's length in width, stretching to the northward; up this we had made a little progress, when the launch which had preceded us and had reached its extremity, was met on her return. Mr. Swaine informed me that its termination was about a league from its entrance, and that its width was from a quarter to half a league.

We stopped for the purpose of dining, and were visited by a canoe in which were three persons; they approached us with little hesitation, and seemed well pleased on receiving a few trivial presents. They earnestly solicited our return to the head of this little arm, where, it appeared, their chief resided, and who had abundance of furs to barter for our commodities; but, as it was out of our way, we declined their proposal, at which they seemed hurt and disappointed, but retired in perfectly good humour.

After dinner we attempted to return by the way we had come, but, on approaching the entrance, the rapidity of the flood tide prevented our advancing against it until near high water, about six in the evening. Many of the small trees at the place where we had dined had been cut down with an axe, an implement not yet in use with
144 these people, who, on all such occasions prefer any kind of chisel. The trees appeared to have been felled for the purpose of gaining convenient access to the run of water hard by; and this gave rise to an opinion that our dining place had lately been the resort of other civilized people.

Having again reached the arm leading to the S.S.W., we proceeded in that direction, and passed two small rocky islets, about a mile to the south of the last-mentioned small arm. Finding the main channel now regularly decreasing to half a mile in width, and having a strong southerly breeze, we did not proceed more than three miles before we rested for the night. The narrowness of the channel, and the appearance of its termination before us, would have induced me to have relinquished all thoughts of finding a communication with the ocean by this route had it not been for the indications presented by the

shores on either side. These gradually decreasing in height, with a very uneven surface, were entirely covered with pine trees; and as such appearances had, in most instances, been found to attend the broken parts of the country immediately along the sea coast, I was encouraged to persevere in this pursuit. * * *

[Here follows an account of a further meeting with Indians.]

From the place at which we had slept this channel took a direction S. 42 W., about a league and a half to a point in latitude 54° 48′, longitude 229° 39½′, from whence the continental shore takes a direction N. 25 W. about a league through a narrow channel not a fourth of a mile in breadth; having in it several islets and rocks. In order to make sure of keeping the continental shore on board, we pursued this, and left the south-westerly channel, whose width had increased to about a mile, and whose shores appeared to be much broken, as if admitting several passages to the sea. At the north end of this narrow channel we came to a larger one extending N. 35 E. and S. 35 W. The former first attracted our notice; this by noon was found to end in latitude 54° 55½′, longitude 229° 40′; not in low marshy land, as had been generally the case in the interior parts of our survey, but by low though steep rocky shores, forming many little bays and coves, abounding with rocks and rocky islets. Here were seen an immense number of sea otters, and amongst them some few seals, but more of the former than I had yet noticed. Having dined, we pursued the examination of the continent in a south-westerly direction, which brought us by the evening to its end in that direction in latitude 54° 48½′, longitude 229° 31½′. From hence the channel extended to the S. S. E. and met that which we had quitted in the morning, making the land which formed the western shore of the narrow channel, and that before us to the eastward, an island, about 10 miles in circuit. The shores, that had been nearly straight and compact since we had quitted the rocky arm above-mentioned, became again indented with bays and coves, bounded by many rocks and rocky islets.

In examining these broken parts of the shore, the launch had preceded the yawl, whilst I was taking the necessary angles. On our turning sharp round a point, I discovered her endeavoring as I supposed to pass a most tremendous fall of water; the evening at this time was nearly closing in, and being now about high tide, the fall appeared to be adverse to their proceeding; but finding they continued to advance, I hailed and waved to them to desist. On our meeting, I found they had possessed but sufficient strength and time to extricate themselves from a very alarming situation. The direction of the fall was in a contrary line to what they had expected, as the water was rushing with great impetuosity through a narrow rocky channel, and falling into a basin whose surface appeared to be greatly beneath the level of the canal we were navigating. On their perceiving this, their utmost exertions were required for a short time to prevent the boat from being drawn within its vortical influence. About a mile from the above point, nearly in a south direction, we brought to for the night.

In the morning of the 2nd we sat out early, and passed through a labyrinth of small islets and rocks, along the continental shore; this, taking now a winding course to the south-west and west, shewed the south-eastern side of the canal to be much broken, through which was

a passage leading S.S.E. towards the ocean. We passed this in the hope of finding a more northern and westerly communication, in which we were not disappointed, as the channel we were then pursuing was soon found to communicate also with the sea; making the land to the south of us one or more islands. From the north-west point of this land, situated in latitude 54° 45½′, longitude 229° 28′, the Pacific was evidently seen between N. 88 W. and S. 81 W. Off the point, at a little distance from the main land, was an island about half a mile from us; the opposite or continental shore, lying north-east, not quite half a mile distant. Between this and the westernmost land in sight, the shores appeared to be much divided, with small rocky islets and breakers in most directions. Between these and the continental shore our way was directed N. 26 W.; at the distance of two miles we passed a large deserted village on the north point of a small cove; which point may also be considered as the south-east point of entrance into a narrow arm, taking nearly a north direction; half a league to the northward of this point the eastern shore formed three small bays or coves, with four or five islets before them. On the point which divides the two southernmost of these coves, I observed the latitude to be 54° 49′, the longitude 229° 29′; from whence the inlet took a direction about N. 8 W.; the shores became nearly straight and compact, and were in general about half a mile asunder. The surrounding land being of moderate height, and of that uneven surface generally exhibited by the insular countries lying on the sea coast, afforded reasonable grounds to believe the western shore to be an island; in which case we should have been enabled to trace the continental boundaries a considerable distance to the north. About six in
145 the evening our hopes vanished by our arriving at the head of the arm where it terminated in a small fresh-water brook flowing from low marshy ground in latitude 54° 56′, longitude 229° 28′. Before it were several rocks and some rocky islets.

Beginning of return down Channel, passing above Branch, and proceeding along western or continental shore direct to Ocean, thence by Cape Fox to Foggy Point.

This disappointment occasioned us no small degree of mortification, since we had already been absent from the ship a whole week, with the finest weather the season had yet afforded; and though our utmost exertions had been called forth in tracing the continent through this labyrinth of rocks, we had not advanced more than 13 leagues in a right line from the ships to the entrance of this inlet, and that in a south-west direction; very different from the course we could have wished to have pursued. It was now evident that we had the exterior coast to contend with, and from the length of time we had been indulged with fine weather, we could not reasonably expect its continuing much longer; indeed, the appearance of the evening indicated an unfavourable alteration, which made me apprehensive, that probably the finest part of the season had been devoted, in our late pursuit, to a very perplexing object of no great value or consideration.

On the low land forming the upper extremity of this arm, we saw some animals like wolves, but the shallowness of the water prevented our approaching near enough to fire at them with any probability of success. From hence we returned by the western shore, passing three

or four rocky islets, and rested for the night about a league to the N. N. W. of our station at noon. During the night there fell a great quantity of rain, but towards the morning it in some measure abated, though the weather still continued very gloomy and hazy; we had, however, no time to spare, and it becoming necessary that we should proceed, as far as circumstances would admit, we started early, and kept along the continental shore, which was much indented with small bays and bounded by innumerable rocks. We passed to the south of us a cluster of rocks and islands, extending nearly in a south-west and north-east direction about half-a-league. The outermost lies nearly south-east, about two-and-a-half miles from the point seen the former morning, and stated to be the north point of the passage leading towards the ocean. We arrived at this point by noon, but the weather then becoming thick and hazy, attended by heavy rain and a strong gale from the south-west, obliged us to make for the first place of safety we could reach. Close round to the north-west of the above point, which, after the Right Honourable Charles James Fox, I called CAPE FOX, in latitude 54° 45½′, longitude 229° 22′, we retired to a very unsheltered cove, where we remained some hours, though by no means pleasantly circumstanced. The weather in the afternoon for a short time bore a more favourable aspect, and tempted us again to proceed along the exterior coast, which now took nearly a west direction, but we had scarcely advanced beyond the rocks that encumber the shore, when the gale from the southward increased, attended with a very heavy swell and thick misty weather. This obliged us again to seek some place of security, which we very fortunately found about half a league to the westward of Cape Fox, in a very commodious well-sheltered little cove, which protected us during the night from an excessively heavy rain, and a very hard gale of wind from the south-east, which brought from the ocean so heavy a sea upon these shores, as to invade even our snug retreat.

About eight o'clock the next morning the weather again moderated, and the wind favouring our pursuit, we again proceeded, although it continued to rain and was otherways very unpleasant. We resumed our examination along the coast, taking a rounding direction from the cove N. W. by W. four miles, and then N. 15 W., near seven miles further, to a projecting point on the shore that obtained the name of FOGGY POINT, situated in latitude 54° 54½′, longitude 229° 11′.

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[Here follows Vancouver's account of his voyage to Revilla Gigedo and adjacent islands, to a small island just south of Cape Northumberland on Gravina Island. (Beginning thence, return past Cape Fox to the Channel examined between 27th July and 2nd August, and naming thereof.)]

Our course was directed from hence across the south-east entrance of the Canal de Revilla Gigedo, with a favourable gale, though we were not more fortunate in being able to see round us, than when we passed the same region on the 4th; for immediately after noon the weather became extremely thick and hazy, with intervals of fog; and, towards the evening, a very heavy swell rolled from the S. W., and broke upon the shores with great violence, and with every other appearance of an approaching storm. Before dark, however, we reached the cove that had afforded us shelter under similar circumtances on the evening of the 3rd; here we rested for the night, which

was more temperate than we had reason to expect, and early on the following morning we again bent our way towards the vessels.

In the forenoon we reached that arm of the sea whose examination had occupied our time from the 27th of the preceding to the 2nd of this month. The distance from its entrance to its source is about 70 miles, which, in honour of the noble family of Bentinck, I named PORTLAND'S CANAL.

146 Our provisions being now so nearly exhausted, that we each dined this day on half-a-pint of peas, we were under the necessity of keeping on our oars, or under sail, all night; and about seven in the morning we arrived on board, much to the satisfaction of all parties, as we had now been almost entirely confined to the boats for twenty-three days; in which time we had traversed upwards of 700 geographical miles, without having advanced our primary object, of tracing the continental boundary, more than 20 leagues from the station of the vessels. Such were the perplexing, tedious, and laborious means by which alone we were enabled by degrees to trace the north-western limits of the American Continent.

[Here follows account of Mr. Johnstone's exploration, beginning from Point Maskelyne.]

(NAMING OBSERVATORY INLET.)

Having thus accomplished the service they were sent to perform, Mr. Johnstone returned with his party towards the ships, where they arrived about nine in the evening, after experiencing during this excursion nearly an uninterrupted series of fair and pleasant weather.

Nothing of any note having occurred during my absence, I shall conclude this chapter by the insertion of the astronomical and nautical observations made at this place, and, in consequence of our having been so fortunate as to be able to obtain those that were essential for correcting our former survey, and for our future regulation in that respect, this branch obtained the name of OBSERVATORY INLET, and the cove, where the vessels were stationed, that of SALMON COVE, from the abundance of that kind of fish that were there taken.

[Here follow certain astronomical and nautical observations.]

CHAPTER VI.

QUIT OBSERVATORY INLET—PROCEED TO THE NORTH-WEST—DESCRIPTION OF PORT STEWART—VISITED BY THE NATIVES—ACCOUNT OF TWO BOAT EXCURSIONS.

The route by which the vessels had advanced to Salmon Cove, being infinitely better for them to pursue towards Cape Caamano, than the intricate channel through which I had passed in the boats, we weighed with the intention of directing our course thus about six in the morning, but having a strong gale from the southward we made little progress windward.

On heaving up the best bower anchor we found the cable nearly divided, and although this cable had been very little used, it was entirely worn out; under this circumstance, I thought we were very fortunate in saving the anchor, which, had the cable broke, must have fallen to a fathomless depth.

By eight in the evening we had advanced about seven miles from Salmon Cove, where we anchored for the night, near some rocks on the western shore, in 85 fathoms water, and steadied with a hawser to the trees on the shore. At five the following morning, we again made sail with the tide in our favour, but with a strong unfavourable gale from the southward, with squally and misty weather; and, notwithstanding the wind was very powerful, the ship was so much affected by counter currents, that both staying and wearing were attended with many disappointments, and accomplished with great difficulty. These very unpleasant interruptions constantly attended our navigating this broken region. The Chatham drew three feet less water only than the Discovery; and it is a circumstance worthy of remark that she but seldom felt, and never in an equal degree, the influence of these contending streams by which we had been so continually annoyed. These were sometimes indicated by ripplings on the surface of the water, but at others we felt their effect, though there were no visible signs of their existence.

As we passed the small rivulet that Mr. Johnstone had visited, we again observed the sea to be covered, to the depth of two or three feet, by a very light-coloured muddy water, under which it evidently retained its oceanic colour and qualities.

The Indians, inhabiting the neighborhood, approached us without fear, and seemed very friendly disposed, but no one of them would accompany us to the opposite shore; where, about three in the afternoon, on the flood tide making against us, we anchored in 45 fathoms water, and, as before, steadied by a hawser to the trees. During the afternoon the wind blew strong from the southward, and our time was employed in replacing our disabled cable with a new one. A want of wind, and the flood-tide, prevented our weighing until nine the following morning, when, with the ebb-tide, we again proceeded, but did not reach the entrance of Observatory Inlet until two o'clock on the morning of the 20th; a distance of not more than 13 leagues from Salmon Cove.

The west point of Observatory Inlet I distinguished by calling it POINT WALES, after my much esteemed friend Mr. Wales of Christ's Hospital, to whose kind instruction in the early part of my life I am indebted for that information which has enabled me to traverse and delineate these lonely regions.

Having again reached Chatham's Sound, we lay-to until day-light, when our course was directed along the northern shore to the southward of the islets and rocks that lie off Cape Fox, passing between two and three miles of the north side of Dundas's Island.

Account of his naming Clarence Strait and Prince of Wales Archipelago.

That part of the archipelago, comprehended between the Chatham's and Fitzhugh's Sounds, lies immediatly behind or to the east-
147 ward of Queen Charlotte's Islands, admitting of a spacious navigable channel between the western shore of the archipelago and the eastern shore of those islands. This region, as I have already had occasion to observe, had been visited before our arrival in it by several traders, particularly by a Mr. Duncan, but from whom no certain information could be obtained, whether it was a part of the continent or whether it was wholly composed of islands; this gentleman,

however, was right in conjecturing the latter, and he named those parts between Nepean's and Fitzhugh's Sounds, Princess Royal's Islands, which name I have continued.

The continent adjacent to those islands, from point Staniforth at the entrance of Gardner's Canal, to Desolation Sound, the northern extent of New Georgia, I have distinguished by the name of NEW HANOVER, after His Majesty's hereditary German dominions. To the northward from Nepean's Sound, along the continental shore, is a continuation of this archipelago, separated from the continent by Grenville's Canal and Chatham's Sound, nearly in a straight line; and north-westward from Chatham's Sound is a further and more extensive continuation of the same group of islands separated from the continental shore by various channels, the most spacious of which is that by which the vessels arrived at this station, and which, in honour of His Royal Highness Prince William Henry, I have called "THE DUKE OF CLARENCE'S STRAIT"; it is bounded on the eastern side by the Duke of York's Islands, part of the continent about Cape Caamano, and the Isles de Gravina. Its western shore is an extensive tract of land which (though not visibly so to us), I have reason to believe is much broken and divided by water, forming as it were a distinct body in the great archipelago. This I have honoured with the name of THE PRINCE OF WALES'S ARCHIPELAGO; and the adjacent continent to the northward from Gardner's Canal, to point Rothsay, the extent of our survey to the north this season, I have distinguished with that of NEW CORNWALL.

Vancouver's account of the exploration by Mr. Whidbey (Master of Vancouver's ship "Discovery") of the Lynn Canal.

[Vancouver in his voyage of 1794 proceeded from the Sandwich Islands direct to Cook's Inlet, and thence in a south-easterly direction along the coast until he reached Cross Sound. Remaining with his ships in Port Althorp on the northern coast of Chichagoff Island, he dispatched Mr. Whidbey in boats to explore the north shore of Cross Sound and Icy Strait.]

* * * * He (Mr. Whidbey) resumed his examination (which night had interrupted), and found the continent from the last-mentioned open bay (unnamed by him, probably Excursion Inlet), compact, and taking a course somewhat irregularly S. 50 E., seven leagues, to a point which I called after the seat of my ancestors, Point Couverden, where the observed latitude was 58° 12′, longitude 225° 7′. At the distance of two miles to the north-west of this point, the party passed a small cove with an island lying before it, and half a league south of the point, a high barren rocky islet.

The branch that had been thus navigated, was here about five or six miles wide, and at this station was united with a very extensive arm taking a S. S. E. and N. N. W. direction. The latter becoming the first object of attention, the boats proceeded to the northward, along the western or continental shore, which in this neighbourhood constituted a narrow border of low land, well wooded with stately trees, mostly of the pine tribe, behind which still extended a continuation of the lofty snowy mountains. About two miles to the north of Point Couverden were passed one small island and three rocky islets; one of which lies nearly in mid channel, and having advanced about four or five leagues up this arm, the opposite shore that had appeared to be compact now seemed to be broken. The progress of the party in this

pursuit was greatly retarded by a fresh northerly wind, and a constant stream setting against them, so that it was noon on the 14th before they reached a point lying N. 10 W. from Point Couverden; where Mr. Whidbey observed the latitude to be 58° 35′. From this point the eastern shore of the arm still presented the same broken appearance, but that along which they had passed was firm and compact, indented with a few coves, and some islets and rocks lying near it. Both sides of this arm were bounded by lofty stupendous mountains, covered with perpetual ice and snow, whilst the shores in this neighbourhood appeared to be composed of cliffs of very fine slate, interspersed with beaches of excellent paving stone. This point forms a projecting promontory, about a league long, in a northerly direction, from which the continental shore still continued in the above line about nine miles, where, near a small brook, the party rested for the night. Most of the preceding day had been foggy and rainy, the latter increased greatly during the night, and detained them until nine in the forenoon of the 15th; when, having a gentle breeze in their favour, they proceeded along a straight and compact shore, and by noon reached a small islet where the observed latitude was 58° 54′, longitude 224° 47′. This islet is about two miles from the western shore of the main channel, which still continues to be five miles wide. Another islet lies to the north, between it, and the south point of an island about five miles long and a mile broad, lying along the western shore, and forming a channel that is about a mile wide, having at its southern entrance shoals that extend nearly from side to side. Up this channel the boats passed, and found the continental shore now take a the direction N. 22 W., nine miles from the above islet, to a point where arm narrowed to two miles across; from whence it extended ten miles further in a direction N. 30 W., where its navigable extent terminated in latitude 59° 12′, longitude 224° 33′. This station was reached in the morning of the 16th, after passing some islets and some rocks nearly in mid-channel. Above the northernmost of these (which
148 lies four miles below the shoal, that extends across the upper part of the arm, there about a mile in width,) the water was found to be perfectly fresh. Along the edge of this shoal the boats passed from side to side in six feet water, and beyond it, at the head of the arm extended about half a league, where a small opening in the land was seen, about the fourth of a mile wide, leading to the northwestward from whence a rapid stream of fresh water rushed over the shoal; but this, to all appearance, was bounded at no great distance by a continuation of the same lofty ridge of snowy mountains so repeatedly mentioned, as stretching eastwardly from Mount Fairweather, and which, in every point of view they had hitherto been seen, appeared to be a firm and close-connected range of stupendous mountains, for ever doomed to support a burthen of undissolving ice and snow. It was here remarked, that notwithstanding the quantity of fresh water which flowed into this arm from the brook just mentioned, the shores were perfectly free from snow or ice, although they were three-fourths of a degree to the north of those parts that had undergone the examination of the party in the early part of their present expedition, where they had been much annoyed by ice, and it became another instance of the local existence of these substances.

It may reasonably be presumed that this stream is alone indebted for its existence to the dissolution of the snow and ice in its vicinity at

this season of the year; as it seemed to be too inconsiderable, and the adjacent mountains appeared to be too compact, to admit of its deriving its source from any other cause.

Up this brook, the Indian party, which had now accumulated to upwards of an hundred, gave our gentlemen to understand, that eight chiefs of great consequence resided, and they solicited the party with much earnestness that they would remain in that neighborhood some days, to give the chiefs an opportunity of paying them a visit. Inquiries were made for the chief of the tribe then present, but no one of the Indians assumed that character. Their behaviour was peaceable, civil, and friendly; but our party having a more important object to pursue than that of receiving new visitors, declined the proposed civility, and returned down the arm, along the eastern shore, which was low, indented into small bays and coves, and appeared to be a border that extended from the base of the mountains that lie behind it and which took a direction S. 40 E., 4½ leagues to a point that obtained the name of Point Seduction, in consequence of the artful character of the Indians who are said to reside in its neighbourhood.

From this point lies a range of small islands, about four miles in a south direction. The southernmost is a flat barren rock, but on the others, trees were produced. From hence the opposite shore forming the eastern side of the arm was about two miles distant, and at this point a branch of it extended N. 18 W., about eleven miles; and shewed that what had been taken for a low border uniting with the mountains, was a narrow strip of land from one to two miles across. This branch after winding in a westerly direction about three miles further, terminated this extensive arm in its north-westerly direction, by low land, formed immediately at the foot of high stupendous mountains, broken into deep gullies, and loaded with perpetual ice and snow.

Through the low land uniting with the narrow strip, flows another brook, much smaller than the former, but originating apparently from a similar cause, the dissolving ice and snow. On this low spit, as also on the border, several very large pine trees were seen, with some birch and small alder trees. The examination to this extent occupied the party until the afternoon of the 16th; when they returned along the eastern shore, which, as they advanced to the south, became high, steep, and craggy.

On this occasion it may not be improper to remark, that the upper part of this arm, which after the place of my nativity, the town of Lynn in Norfolk, obtained the name of LYNN CANAL, approaches nearer to those interior waters of the continent, which are said to be known to the traders and travellers from the opposite side of America, than we had found the waters of the north Pacific penetrate in any former instance. This approximation is towards the south-west side of the Arathapescow Lake, as laid down in Captain Cook's chart, from which its distance is about 320 geographical miles; but, from the close connection and continuation of the lofty snowy barrier, so frequently before adverted to, trending southeastward and nearly parallel to the direction of the continental shore, little probability can remain of there being any navigable communication, even for canoes, between such waters and the north Pacific ocean, without the interruption of falls, cataracts, and various other impediments.

[Here follows an account of Mr. Whidbey's brush with Indians.]

The party being at length relieved from these very troublesome visitors, with the pleasing reflection of not having been driven to the necessity of depriving anyone of life, pursued their route quietly along the eastern shore. The weather was dark and gloomy, and as the day advanced the wind blew strong from the southward, attended with much rain. At breakfast time a point, called by me POINT ST. MARY'S, was reached in latitude 58° 43½′, longitude 225° 2′, forming the north point of a bay, which I named BERNER'S BAY, about four miles across, in a direction S. 20 E., about five miles deep to the N. N. E. From the south point of this bay, which I called POINT BRIDGET, the continental shore took a direction S. 26 E., and having advanced about ten miles, passing a small island with some rocks and islets about it, the severity of the weather obliged them to take shelter amongst a group of small islets, where, during the night, they experienced a hard gale from the southward, attended with a heavy rain, which detained them until eight in the forenoon of the 18th, when the party resumed their examination in a channel difficult to navigate, even for boats, it
149 being much incommoded with numberless rocks between this group of islets and the continent, which still continued in the direction before mentioned. Beyond these islets, to the westward, lies a larger island, and from the shore of the mainland, a shallow bank extends nearly half-a-league, commencing about a league from the place at which the party had slept the night preceding. In passing through this intricate navigation, smokes were seen in various directions, and many Indians were observed about the shores, along which the party having now advanced about five miles, they came to the north point of a small bay where the shoal bank terminated. Here they stopped to dine in excessively cold, rainy weather, with a strong gale of wind from the southward. From this station the south point of the large island, which, in a N. W. and S. E. direction, is about six miles long, and about two miles broad, lies N. 77 W., distant two miles and a half, and forms the north point of a channel into the main arm, about a mile and three-quarters wide; the south point of this channel being also the west point of a narrow branch leading to the south-east. After dinner, accompanied by a canoe and twelve Indians, the route of the party was directed up this south-eastern branch, but their progress in consequence of the very bad weather was rendered extremly slow, and towards the evening they had the further mortification of being joined by another large canoe full of Indians.

As the day declined with every prospect of a dismal boisterous night, the party anxiously looked out for some place of shelter, and endeavoured to get rid of the Indians by firing some muskets over their heads; but instead of this measure having the desired effect, it seemed only to make them more daring, and encouraged them to advance nearer to the boats. Thus unpleasantly circumstanced, they continued at their oars until 10 at night, without having gained more than four miles from the place where they had dined, and without the most distant probability of the Indians taking their leave. Although this branch had every appearance of being closed not far ahead, yet as Mr. Whidbey wished to ascertain that fact positively, the party steered for the shore with an intent of there passing the night; this

the Indians perceived, made the best of their way thither, and got possession of the beach before them, where they drew up in battle array, with their spears couched ready to receive our people on landing. There was now no alternative but either to force a landing by firing upon them, or to remain at their oars all night. The latter, Mr. Whidbey, considered to be not only the most humane, but the most prudent measure to adopt, concluding that their habitations were not far distant, and believing them, from the number of smokes that had been seen during the day, to be a very numerous tribe. So far as the branch had been discernible before dark, which was not more than a mile wide, there was every reason to think its termination had been seen; but should the party have been deceived, it was here infinitely too rocky and dangerous to be considered as navigable for shipping, and for that reason unworthy any further examination, at the risk of a serious dispute with these troublesome people. These considerations determined Mr. Whidbey to return through the channel abovementioned into the main canal, where about the dawn of day on the 19th the boats arrived at a point which obtained the name of POINT RETREAT, situated in latitude 58° 24′, longitude 225° 12′. Here they stopped to take some rest, and having breakfasted, Mr. Whidbey, although in some measure departing from the scrupulous exactness with which our survey had been hitherto conducted, became satisfied that the branch he had thus quitted, was but barely navigable for boats, and therefore pursued his researches about 16 miles to a point called by me POINT MARSDEN, along the eastern shore of the canal, concluding it to be the continent, taking a direction S. 9 E. It is composed of land very moderately elevated, covered with fine timber, chiefly of the pine kind, and terminating at the water-side, with alternate steep rocky cliffs and small sandy bays, with a few detached rocks and islets lying near it. The wind was still boisterous, with thick, rainy, unpleasant weather, so that they could seldom see a mile before them; they were, however, sometimes favoured by a light northerly wind, with which, on the 20th, they advanced about 10 leagues further, still finding the eastern shore compact, and the country of a similar description to that they had passed the preceding day. Here at a point in latitude 57° 37′, longitude 205° 29′, which I called POINT PARKER, the party took up their abode for the night, which was very rainy; but in the morning of the 21st the weather became fair, and gave them a distinct view of the surrounding region. It was seen that they were advancing in a very spacious strait or channel, to all appearance free from interruption; its western shore, distant seven miles, appeared to consist of an extensive tract of land, or a large group of islands, that seemed to form channels, which took a westerly direction towards the ocean; the latter appearing the most probable, I have honoured this country with the name of KING GEORGE THE THIRD'S ARCHIPELAGO.

AGREEMENT BETWEEN THE HUDSON'S BAY COMPANY AND THE RUSSIAN AMERICAN COMPANY RESPECTING CERTAIN COMMERCIAL ARRANGEMENTS HEREINAFTER NOTICED.

Signed at *Hamburg*, sixth day of February, 1839.

The Governor, Deputy Governor, and committee of the Hudson's Bay Company of London, and the directors of the Russian American Company at St. Petersburg being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle upon the basis of reciprocal convenience and advantage different points connected with the commerce of the said Hudson's Bay Company and the Russian American Company, have named agents to conclude an Agreement for this purpose; that is to say: The Hudson's Bay Company of London have appointed Mr. George Simpson, Governor of their Territories of Rupert's Land to act in their behalf, and the Russian American Company have appointed His Excellency Baron Wrangell, Rear Admiral in the Service of His Majesty the Emperor of Russia to act in their behalf, who after having communicated to each other their respective full powers found in good and due form, have agreed upon and signed the following Articles:—

ARTICLE 1ST.—It is agreed that the Russian American Company having the sanction of the Russian Government to that effect shall cede or lease to the Hudson's Bay Company for a term of Ten years commencing from the 1st of June One Thousand eight Hundred and forty, for commercial purposes, the Coast, exclusive of the Islands, and the Interior Country belonging to His Majesty the Emperor of Russia, situated between Cape Spencer forming the North West Headland of the entrance of Cross Sound and Latitude 54° 40′ or thereabouts, say the whole mainland coast and Interior country belonging to Russia together with the free navigation and trade of the Waters of that Coast, and Interior Country situated to the Southward and Eastward of a supposed line to be drawn from the said Cape Spencer to Mount Fair Weather with the sole and entire trade or commerce thereof. And that the Russian American Company shall abandon all and every station and trading establishment they now occupy on that Coast and in the Interior Country already described, and shall not form any station or trading establishment during the said term of ten years nor send their officers, servants, vessels, or Craft of any description for the purpose of trade into any of the Bays, Inlets, Estuaries, rivers, or lakes in that

line of Coast and in that Interior Country. And shall not have any communication for the purposes of trade with any of the tribes of Indians occupying or inhabiting that Coast or Interior Country. And shall not receive in trade, barter or otherwise any of the Furs, Peltries, or produce whatsoever of the Mainland Coast or Interior Country already described. And shall in good faith, and in spirit and to the letter relinquish in favour of and cede and assign to the Hudson's Bay Company the entire trade and commerce of the said Coast and Country, and by every means in their power protect the Hudson's Bay Company from all interference, encroachment, or competition in trade on the part of other Russian subjects, strangers and foreigners whatsoever, during the said term of ten years, as effectually as if the said Coast and Interior Country had not been ceded and had been virtually occupied by themselves. And that the Russian American Company shall permit and afford facilities to the Hudson's Bay Company to take and retain possession of the Russian Establishment of Point Highfield at the mouth of the Stikine River and to occupy by the formation of other stations Establishments or otherwise for the purposes of trade such other parts of the said Coast and Interior Country as they may consider it desirable so to occupy. And in the event of this agreement not being renewed after the expiration of the said term of Ten years it is agreed that the Hudson's Bay Company shall relinquish in favour of the Russian American Company the said Establishment situated at Point Highfield, and any other stations or Posts they may in the meantime form on the Russian Territory already described. And in consideration of such cession and protection and of the commercial and other advantages the Hudson's Bay Company may derive from such cession and protection it is agreed that the Hudson's Bay Company shall pay or deliver to the Russian American Company an annual rent of Two Thousand seasoned Land Otter Skins (excluding cub and damaged skins) taken or hunted on the West side of the Rocky
151 Mountains during the said term of Ten years; the first payment of the said rent to be by the delivery of the said Two Thousand Otter Skins on or before the 1st of June Eighteen Hundred and forty one to the Agents of the Russian American Company on the North West Coast.

ARTICLE 2ND.—It is further agreed that the Hudson's Bay Company shall not trade with the Indians nor receive in trade or barter nor hunt any Furs or Peltries on any other part of the Russian Territory on the North West Coast or Islands than that ceded to them under the provisions of the foregoing Article.

ARTICLE 3RD.—It is further agreed that the Hudson's Bay Company do sell to the Russian American Company all the seasoned land Otter skins they may collect on the West side of the Rocky Mountains not exceeding two Thousand skins over and above the two thousand skins agreed to be paid as rent under the provisions of the first article for the said term of ten years at the price of twenty-three shillings sterling per skin deliverable annually to their Agent on the North West Coast, and that the Hudson's Bay Company do further sell to the Russian American Company Three Thousand seasoned Land Otter skins taken or hunted on the east side of the Rocky Mountains for the said term of Ten years at the price of thirty-two shillings sterling per skin deliverable annually in like manner to the Agent of the Russian American Company on the North West Coast: the first delivery of skins

under this article likewise to be on or before the first of June Eighteen Hundred and forty one, and the following delivery of skins to be on or before the first of June in every year.

ARTICLE 4TH.—It is further agreed that the Hudson's Bay Company shall supply the Russian American Company annually for a term of ten years with wheat to the extent of two thousand Fenagos of one hundred and twenty-six pounds per fenago in Eighteen Hundred and forty, and to the extent of four thousand fenagos per annum afterwards, at the price of ten shillings and nine pence sterling per fenago, and the whole or as much of the undermentioned articles as convenient in Eighteen Hundred and forty, and the full quantities annually, for a term of nine years afterwards, at the prices affixed to these articles respectively, viz.:—

160 cwt. wheat flour	at 18/5 per cwt,
130 cwt. peas	at 13/0 "
130 cwt. grits and hulled pot barley, if it can be annually provided.	at 13/0 "
300 cwt. salted beef	at 20/0 "
160 cwt. salted butter	at 56/0 "
30 cwt. pork hams	at 6d. per lb.

Provided nevertheless that, if through any unforeseen cause it may not be possible for the Hudson's Bay Company to fulfil this part of the agreement, then, and in that case, it is agreed that the Russian American Company shall send one of their vessels to the Southern Coast for the purpose of receiving the like supplies through the agency of the Hudson's Bay Company; any extra charge that may be incurred through such contingency to be defrayed by the Hudson's Bay Company.

ARTICLE 5TH.—It being desirable for the Hudson's Bay Company to increase their shipping or tonnage from England to the north-west coast as a means of facilitating the transport of the wheat and other supplies, they have, under the foregoing article of this agreement, undertaken to deliver to the Russian American Company: It is further agreed that whenever the Russian American Company may have occasion to forward to their settlements on the north-west coast British manufactured goods and other supplies of the like description as they have been usually in the habit of receiving from England and the United States of America, they will forward the same on freight by the Hudson's Bay Company's annual ships from England at a freight of £13 sterling per ton, the freight to be computed either by weight of measurement, according to custom. It being provided, nevertheless, that when the Russian American Company may have occasion to send any of their own ships from St. Petersburg to the north-west coast, they will, in such case, forward their supplies by their own ships instead of the Hudson's Bay Company's ships.

ARTICLE 6TH.—It is further agreed that the purchase money for otter skins under the 3rd Article (the purchase money of wheat and other agricultural produce under the 4th Article), the freight for goods under the 5th article of this agreement, and the purchase money for any other articles that may be supplied to the Russian American Company by the Hudson's Bay Company from time to time shall be paid from time to time on the delivery respectively of the said skins,
152 wheat and other agricultural produce, goods, or freight, and other articles to the agent of the Russian American Company at Fort Simpson, Sitka, or any other point more convenient to the

Hudson's Bay Company on the north-west coast north of the latitude of Fort Simpson, by bills of exchange in triplicate, to be drawn by the said agent of the Russian American Company on the directors of the Russian American Company at St. Petersburg in favour of the governor, deputy governor, and committee of the Hudson's Bay Company or order at 60 days after sight, which the said directors of the Russian American Company shall duly honour by acceptance and payment.

ARTICLE 7TH.—It is further agreed that should a declaration of war or hostilities unfortunately break out between Great Britain and Russia hereafter during the existence of this agreement then and in that case such national hostilities shall not become a pretext for the non-payment on the part of the Russian American Company of the drafts of their Agent on the North West Coast of America in favour of the Hudson's Bay Company, but that all pecuniary matters of account between the contracting parties shall be liquidated and discharged honourably and in good faith as if their respective nations were in the most perfect amity.

ARTICLE 8TH.—It is further agreed that should a Declaration of War or Hostilities unfortunately break out between Great Britian and Russia hereafter during the existence of this Agreement the Russian American Company shall guarantee and hold harmless the Hudson's Bay Company from all loss and damage arising from such hostilities in so far as to enable the Hudson's Bay Company to evacuate and abandon their Possessions or Trading stations within the Russian Territory quietly and peaceably and to remove their goods, furs, and other property within three months after receiving information of such hostility or Declaration of War.

ARTICLE 9TH.—It is further agreed by the Hudson's Bay Company in consideration of the arrangements entered into under the Provisions of this Agreement, that they shall relinquish their claim now pending on the Russian Government, the Russian American Company or whoever else it may concern for injury and damage said to be sustained by the Hudson's Bay Company arising from the obstruction presented by the Russian Authorities on the North West Coast of America to an expedition belonging to the Hudson's Bay Company at the entrance of the River Stikine, on the North West Coast of America in the year Eighteen Hundred and thirty-four outfitted and equipped by the said Hudson's Bay Company for the purpose of forming a commercial station in the interior British territory on the banks of the said Stikine River.

In Witness whereof, we the respective Agents, sign, seal, and execute this Agreement at Hamburg this sixth day of February, in the Year of our Lord, Eighteen Hundred and Thirty-Nine.

[L. S.] (Signed) GEO. SIMPSON,
[L. S.] (Signed) BARON FERDINAND WRANGELL.

Attested by Thomas Malis, the Russian Vice-Consul at Hamburg.
25th January,
6th February, 1839.

153 AGREEMENT BETWEEN THE HUDSON'S BAY COMPANY AND THE RUSSIAN AMERICAN COMPANY RENEWING (WITH CERTAIN MODIFICATIONS) THE AGREEMENT BETWEEN THE TWO COMPANIES ON THE 6TH FEBRUARY, 1839.

The Directors of the Russian American Company of St. Petersburgh and the Governor, Deputy Governor, and Committee of the Hudson's Bay Company of London, being desirous to continue the friendly relations between both the Companies by the renewal of the Agreement concluded in the year 1839, grounded on the reciprocal conveniencies and advantage, have affirmed by their signature the following Articles:—

ARTICLE 1ST.—It is agreed that the Russian American Company, having the sanction of the Russian Government to that effect, shall cede or lease to the Hudson's Bay Company for a term of nine years, commencing from the 1st of June, 1850, for commercial purposes, the Coast (exclusive of Islands) and the Interior Country belonging to the dominions of His Majesty the Emperor of Russia, situated between Cape Spencer, forming the North West headland of the entrance of Cross Sound and latitude 54° 40′ or thereabout say the whole mainland coast and interior country belonging to Russia together with free navigation and trade of the waters of that coast and interior country situated to the Southward and Eastward of a supposed line to be drawn from the said Cape Spencer to Mount Fair Weather with the sole and entire trade or commerce thereof. And that the Russian American Company shall leave the redoubt belonging to her in that Coast to the disposal of the Hudson's Bay Company and shall not form any station or trading establishment during the said term of nine years; nor send their officers, servants, vessels, or craft of any description for the purposes of trading into any of the Bays, Inlets, Estuaries, Rivers, or Lakes in the line of Coast and in that Interior Country, and shall not have any communication for the purposes of trade with any of the tribes of Indians occupying or inhabiting that coast or interior country. And shall not receive in trade, barter, or otherwise any of the furs, peltries, or produce whatsoever of the mainland coast or interior country already described. And shall in good faith and in spirit and to the letter relinquish in favour of and cede and assign to the Hudson's Bay Company the entire trade and commerce of the said coast and country, and by every means in their powers protect the Hudson's Bay Company from all interference, encroachment, or competition in trade on the part of other Russian American subjects, strangers, and foreigners whatsoever, during the said term of nine years as effectually as if the said coast and interior country had not been ceded and had been virtually occupied by themselves. And that the Russian American Company shall permit and afford facilities to the Hudson's Bay Company to take and retain possession of the Russian establishments of Point Highfield and the mouth of the Stikine River, and to occupy by the formation of other stations, establishments, or otherwise, for the purposes, of trade, such other parts of the said coast and interior country as they may consider it desirable so to occupy. And in the event of this agreement not being renewed after the expiration of the said term of nine years, it is agreed that the Hudson's Bay Company shall relinquish in favour of the Russian American Company the said

establishment, situated at Point Highfield, and any other stations or posts they may in the meantime form on the Russian territory already described. And in consideration of such cession and protection, and of the commercial and other advantages the Hudson's Bay Company may derive from such cession and protection, it is agreed that the Hudson's Bay Company shall pay or deliver to the Russian American Company an annual rent of two thousand seasoned land otter skins (excluding cubs and damaged skins) taken or hunted on the west side of Rocky Mountains during the said term of nine years; the first payment of the said rent to be made by the delivery of the said two thousand otter skins on or before the first of June, eighteen hundred and fifty-one to the agents of the Russian American Company on the North-West coast.

ARTICLE 2ND.—It is further agreed that the Hudson's Bay Company shall not trade with the Indians, nor receive in trade or barter nor hunt any furs or peltries on any other part of the Russian territory on the North-West coast or islands than that ceded to them under the provisions of the foregoing article.

154 ARTICLE 3RD.—It is further agreed that the payment for different purchases and services which may happen on both sides must be effected in Bills of Exchange in St. Petersburg or London after 60 days of sight.

ARTICLE 4TH.—It is further agreed that in case of rupture between Great Britain and Russia all the transactions for the preceding time between the contracting parties must be fulfilled without contradiction as if their respective nations were in friendly relations.

ARTICLE 5TH.—It is further agreed that in case of rupture between Great Britain and Russia during the existence of this agreement, the Russian American Company shall guarantee and hold harmless the Hudson's Bay Company from all loss and damage arising from such hostilities in so far as to enable the Hudson's Bay Company to evacuate and abandon their possessions or trading stations within the Russian territory quietly and peaceably, and to remove their goods, furs, and other property within three months after receiving information of such hostilities or declaration of war. The Hudson Bay Company is obliged in this case to liquidate with the Russian American Company the payment of the rent of two thousand otter skins till the datum on which the information of the rupture will be received on the spot.

Board of Direction of the Russian American Company acting for the President.

(Signed) VLADIMIR POLITKOWSKI.
(Membres signed) ADOLPHUS ETOLINE.
N. KUSSON.

[L. S.] British Consulate, St. Petersburg.

[L. S.] March 22nd, / April 3rd, 1849.

I do hereby certify that the above signatures in the Russian language are those of Mr. Vladimir Politkowski, acting for the President, and of Mr. Adolphus Etoline and Mr. N. Kusson, Members of the supreme direction of the Russian-American Company in this city. In faith whereof I unto affix my signature and seal of office.

(Signed) EDWD. BAYNES,
Her B'k Majesty's Consul.

CORRESPONDENCE WITH REFERENCE TO THE STOPPAGE BY THE RUSSIAN AUTHORITIES OF THE HUDSON'S BAY COMPANY'S EXPEDITION AT THE ENTRANCE TO THE STIKINE RIVER.

HUDSON'S BAY HOUSE, *London, October 24, 1835.*

To the Right Honourable Viscount PALMERSTON.

My Lord, I have the honour to acquaint your Lordship for the information of His Majesty's Government, that by advices just received from Chief Factor McLoughlin, the officer in charge of all the Hudson's Bay Company's affairs on the North-west Coast of America, an expedition was fitted out and dispatched in the month of May, 1834, agreeably to instructions previously issued by the Board of Direction at which I preside as Governor of the Company, to form a trading establishment within the British territories, at a distance from the Ocean extending ten marine leagues up the Stikine River in about latitude 56 degrees 40 minutes. Your Lordship is aware that a Convention was entered into between His Late Majesty George IV and the Emperor of Russia, signed at St. Petersburg 28th February, 1825, which determined the line of demarcation between the British and Russian territories on the North-west Coast of America, and I have now to complain of an infraction of the terms of that Convention, to the very serious injury of the commerce of the Hudson's Bay Company, by Baron Wrangell, post captain in the Emperor's Navy and principal superintendent of the Russian American Fur Company's affairs on the North-west Coast, who opposed an armed force to our expedition, and thereby prevented the objects for which it was outfitted being carried into effect.

In so doing the Russian Fur Company have violated the 6th Article of the Convention, which provides that the subjects of His Britannic Majesty, from whatever quarter they may arrive, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarcation, upon the line of coast described in Article 3rd of that Convention. They have thereby moreover violated the 7th Article of the said Convention, which provides that for the space of ten years from the signature of that Convention the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, gulfs, havens and creeks on the coast mentioned in Article 3rd, for the purpose of fishing and trading with the natives, inasmuch as the ten years had not expired when Baron Wrangell prevented our entering the Stikine River. And I have further to complain of a violation of the 11th Article of the

said Convention, inasmuch as the officers of the Russian Fur Company, under the authority of Baron Wrangell, did oppose an armed force to our expedition, and thereby forcibly prevented our entering the river and carrying the objects of which it was outfitted into effect, thereby subjecting the Hudson's Bay Company to a considerable pecuniary loss (expenses incurred in outfitting the expedition), independent of the injury which our commerce in that quarter has sustained, by being thus lowered in the estimation of the natives, who have, ever since our distinguished navigators, Cook and Vancouver, visited that coast, identified our interests as British subjects with those of the Government by whom they were employed.

Herewith I have the honour to transmit, for your Lordship's information, in confirmation of the foregoing statements:—

No. 1. Extract from Chief Factor McLoughlin's Despatch (dated) Fort Vancouver, Cola. River, 14th March, 1835.

No. 2. Extract from Chief Trader Ogden's Journal of the proceedings of the expedition under his command for the purpose of ascending the Stikine River.

No. 3. Copy of correspondence between Chief Trader Ogden and Baron Wrangell and other officers of the Russ. Amrn. Fur Coy.

No. 4. Estimate of expenses incurred by the Hudson's Bay Company in an attempt to erect an establishment at Stikine, amounting to £22,150 10 11 Stg.

156 I have now to request your Lordship will be pleased to afford me an early personal interview, in order to lay the case more fully before you, with a view to obtaining indemnification for the very serious injury we have sustained by the recent violation of the Convention, and protection in the intended prosecution of our valuable trade in that quarter for the future.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

J. H. PELLY, *Governor.*

To J. H. PELLY, Esq., &c., &c., &c.

FOREIGN OFFICE, *November 13, 1835.*

SIR: I am directed by Viscount Palmerston to acknowledge the receipt of your letter of the 24th ultimo, complaining of the interference of the Russian Authorities on the North-west Coast of America with an expedition fitted out by the Hudson's Bay Company with a view of forming a settlement ten leagues up the "Stikine River," and I am to acquaint you that copies of the papers transmitted by you will be forwarded to His Majesty's Ambassador at St. Petersburgh, who will receive suitable instructions upon the subject.

I am, Sir, Your most obedient humble Servant,

(Signed) W. FOX STRANGWAYS.

J. H. PELLY, Esq., &c., &c., &c.

FOREIGN OFFICE, *January 6, 1836.*

SIR: With reference to your letter of the 24th October of last year, complaining of the interference of the Russian Authorities with the expedition of the Hudson's Bay Company to the Stikine River on the

North-west Coast of America, I am directed by Viscount Palmerston to acquaint you that His Majesty's Ambassador at St. Petersburgh upon receiving instructions from this Department lost no time in bringing the question under the consideration of the Russian Government.

In reply to Lord Durham's representations Count Nesselrode has stated that he had received no official information upon the subject, but declared that he would institute an immediate inquiry, adding at the same time that any violation of the Treaty would be a matter of great regret to the Emperor and should be redressed if it had occurred.

Lord Durham expresses his confidence that should the representations of the Hudson's Bay Company prove uncontradicted, the acts of the Russian Authorities in North America will not only be disavowed but censured.

I am, Sir, Your most obedient humble Servant,

(Signed) J. BACKHOUSE.

The Right Honourable Viscount PALMERSTON, &c., &c., &c.

HUDSON'S BAY HOUSE, *London, January 14, 1836.*

MY LORD: I have the honour to acknowledge Mr. Backhouse's letter of the 6th instant acquainting me by your Lordship's direction that His Majesty's Ambassador at St. Petersburgh, upon receiving instructions from the Foreign Office, lost no time in bringing the question "of the interference of the Russian Authorities with the expedition of the Hudson's Bay Company to the Stikine River on the North-west Coast of America" under the consideration of the Russian Government. Finding there was little probability of your Lordship receiving a reply to your communication to His Majesty's Ambassador at St. Petersburgh,

conveying my complaint on behalf of the Hudson's Bay Company,
157 in sufficient time to forward instructions to be founded thereon

to the Company's officers on the North-west Coast by the overland express, which I acquainted your Lordship would leave this country viâ New York, by the packet ship of the 11th ultimo, it was determined that one of the Company's ships should be fitted out for the North-west Coast, so as to sail from hence about the latter end of the present month in order to convey definite instructions on the subject, as it is of the utmost importance to the interests of the Company that their officers should know as early as possible how to act, in the event of the Russian Fur Company continuing to obstruct them in the exercise of a trade secured to them as British subjects by a solemn treaty.

I cannot therefore conceal my disappointment that the sentiments of the Russian Government on this question have not been conveyed in a more formal shape, accompanied by specific instructions to Baron Wrangell to refrain from hostile proceedings or any infraction of the Treaty, as in the absence of such instructions I am apprehensive some serious collison may take place between the people of the Hudson's Bay Company and those of the Russian Fur Company, if the latter shall continue the aggressions already complained of.

The early departure of the Company' ship for the North-west Coast, which cannot be delayed, renders it impossible to hear from Russia in reply to any further representation your Lordship might think

proper to make on this subject in sufficient time to be forward by that conveyance, but in the absence thereof a communication from the Russian Ambassador at this Court addressed to Baron Wrangell, conveying the sentiments of his Government on this subject, might be the means of preventing the officers of the Russian Fur Company from further obstruction and of interference with the rightful trade of the Hudson's Bay Company as British subjects, which if persisted in must inevitably lead to serious differences. I have therefore to request your Lordship will be pleased to inform me whether you can furnish me with any document showing the feeling of the Russian Government on this subject, to be forwarded by the Company's ship to the Russian Authorities on the North-west Coast of America.

The Hudson's Bay Company's officers will be instructed to endeavour to avoid any collision with the Russian Fur Company, but as the aggression of the latter has been so far successful for the time, it is to be apprehended they may be induced to interfere still further with our right of trade unless restrained by some intimation from their own Government. With reference to that part of Mr. Backhouse's letter in which he says:—

"Lord Durham expresses his confidence that should the representations of the Hudson's Bay Company prove uncontradicted, the acts of the Russian Authorities in North America will not only be disavowed but censured." I beg to observe that accompanying the letter I had the honour of addressing your Lordship, under date 24th October, 1835, I furnished you with copies of the proclamation and letters of Baron Wrangell, which, if admitted to be true copies, unquestionably confirm the representations made by the Hudson's Bay Company, and that I have the original proclamation and correspondence of Baron Wrangell to produce to your Lordship if required, which certainly cannot admit of contradiction. I avail myself of this opportunity to remind your Lordship that the conditions of the 7th and 8th articles of the Convention between His late Majesty and the Emperor of Russia respecting the free navigation for the purposes of fishing, and trading with the natives in all the inland seas, gulfs, havens, and creeks on the coast mentioned in Article 3rd, and of commerce at the Port of Sitka and New Archangel, being for a term of ten years only, expired (but subsequently to the hostile obstruction by Baron Wrangell) early in the year 1835, and that by the last message of the President of the United States of America, it appears instructions have been given to their Minister at St. Petersburgh to negotiate a renewal of it on behalf of the United States.

I trust that in the event of an extension of the term of ten years being granted to the United States of America or to any other Power, your Lordship will insist on a like extension on behalf of Great Britan, as provided by the 8th Article of the Treaty.

I have the honour to be, My Lord, Your Lordship's most obedient humble servant,

J. H. PELLY, *Governor.*

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158 J. H. PELLY, Esq., &c., &c., &c.

FOREIGN OFFICE, *January 28, 1836.*

SIR: I am directed by Viscount Palmerston to acquaint you that his Lordship had already prepared instructions to be sent to His Majesty's Ambassador at St. Petersburgh, founded upon your letter of the 14th

instant, respecting the conduct of the Russian Authorities on the North-west Coast of America, when his Lordship received a despatch from Lord Durham inclosing the answer of the Russian Government to the representation which his Excellency had already made to them in consequence of your letter to this department dated 24th of last October. The Russian Government disavow the construction which their authorities have put upon the stipulations of the Treaty of 1825, and they promise to convey to those authorities without delay His Imperial Majesty's disapprobation of their proceedings, together with such further instructions as shall be necessary to prevent the recurrence of a similar cause of complaint. With respect to the charge that offensive language had been used by the Russian Authorities in their communication with the officers of the Hudson's Bay Company, the Russian Government allege it to be unfounded, and they ascribe the misapprehension on this point to the incompetency of the persons employed as interpreters between the parties. They deny the fact of a menace having been used by the Russian officers in warning off the expedition from the River Stikine, and allege that all that was intended on the occasion was to acquaint the persons in charge of the expedition that if they persisted on entering the river they would be acting without the consent and permission of the Russian Authorities.

Lord Palmerston desires me to call your particular attention to this part of the Russian answer, as the Russian Government appear disposed to rely upon it as their justification for declining to accede to the demand of compensation made by His Majesty's Ambassador. They declare that the British expedition was not prevented from proceeding by any insurmountable obstacle or by any actual danger, but rather by an excess of caution on the part of the persons in charge of it, and they accordingly maintain that those persons and not the Russian Authorities are responsible to the Company for any losses which may have been sustained on the occasion.

I am, Sir, your most obedient humble Servant,

(Signed) J. BACKHOUSE.

The Right Honourable Viscount PALMERSTON, &c., &c., &c.

HUDSON'S BAY HOUSE,
London, February 4, 1836.

MY LORD: I have the honour to acknowledge Mr. Backhouse's letter of the 28th ultimo intimating that in reply to a representation made by Lord Durham to the Russian Government in consequence of my letter to your Lordship of 24th October, the Russian Government disavow the construction which their authorities (on the North-west Coast of America) have put upon the stipulations of the Treaty of 1825;" and that "they promise to convey to those authorities without delay His Imperial Majesty's disapprobation of their proceedings together with such further instructions as shall be necessary to prevent a recurrence of a similar cause of complaint," which is highly satisfactory.

Mr. Backhouse's letter further says, "with respect to the charge that offensive language had been used by the Russian Authorities in their communications with the Hudson's Bay Company, the Russian Government allege it to be unfounded, and they ascribe the misappre-

hension on this point to the incompetency of the persons employed as interpreters between the parties. They deny the fact of a menace having been used by the Russian officers in warning off the expedition from the Stikine River, and allege that all that was intended on the occasion was to acquaint the persons in charge of the expedition that if they persisted on entering the river, they would be acting without the consent and permission of the Russian Authorities, and they declare that the British expedition was not prevented by any insurmountable obstacle or by any actual danger, but rather by an excess of
159 caution on the part of the persons in charge of it, and they accordingly maintain that those persons, and not the Russian Authorities, are responsible to the Company for any losses which may have been sustained on the occasion."

With reference to those allegations I have only to observe that the documents, viz.: Extracts from the report of Mr. Ogden, the gentleman in charge of the Hudson's Bay Company's expedition; the Proclamation of Baron Wrangell dated 15/27th May, 1834; the letters from Mr. Ogden to the Superintendent of the Russian establishment of the 18th June, 1834, and to Baron Wrangell of the 20th June and 30th September; the letter from A. Etoling to Mr. Ogden 14/26th June; the translations of the Papers Nos. 4 and 6 signed by Captain Zarembo, and letter from Baron Wrangell dated 19th September, 1834, copies of which I have the honour to transmit to your Lordship herewith, bear ample evidence on the face of them that threatening language and menaces were used by the Russian Authorities towards the Hudson's Bay Company, and the fact that two Russian armed vessels, as stated in Baron Wrangell's Proclamation, were stationed in the Straits, together with the intimation of Captain Zarembo, the Commandant, contained in Paper No. 6 "I neither allow to enter the River Stikine in consequence of the instructions received from the Chief Director Baron Wrangell" shew that hostile and forcible measures were resorted to by the Russian Authorities to prevent the Hudson's Bay Company from availing themselves of the rights secured to them by the Convention. On an attentive perusal of those documents I think your Lordship cannot fail to observe that they confirm all I have advanced on behalf of the Hudson's Bay Company in regard to the conduct of Baron Wrangell and the Russian Authorities on the North-west Coast, and that if Mr. Ogden had resorted to forcible measures in the face of these hostile demonstrations in conducting the expedition under his command to their destination, he would have been acting in disobedience to and in contravention of the 11th Article of the Treaty. I have therefore on behalf of the Hudson's Bay Company respectfully to submit to your Lordship, that as the Russian Government disavow the construction which their authorities have put on the stipulations of the Treaty, calling forth the disapprobation of his Imperial Majesty, and that as the loss which the Hudson's Bay Company has sustained was occasioned by that misconstruction and the hostile attitude assumed by the Russian Authorities arising from such misconstruction, it is fitting that the Hudson's Bay Company should be indemnified by those authorities, and I trust your Lordship will take the necessary steps to obtain indemnification for the Hudson's Bay Company accordingly.

I have the honour to be, My Lord,

Your most obedient humble Servant,

J. H. PELLY, *Governor.*

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EXTRACT FROM GRANT TO HUDSON'S BAY COMPANY.

(Printed in full on page 414, Report of Committee of British House of Commons on Hudson's Bay Company, printed by order of Parliament, 1857.)

Now know ye: That in consideration of the surrender made to us of the said recited Grant, and being desirous of encouraging the said trade, and of preventing as much as possible a recurrence of the evils mentioned or referred to in the said recited Grant; as also in consideration of the yearly rent hereinafter reserved to us, We do hereby grant and give our License, under the hand and seal of one of our Principal Secretaries of State, to the said Governor and Company, and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America, to the northward and to the westward of the lands and territories belonging to the United States of America, as shall not form part of any of our provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state or power, but subject nevertheless as hereinafter mentioned: And we do by these presents give, grant and secure to the said Governor and Company, and their successors, the sole and exclusive privilege, for the full period of 21 years from the date of this our Grant, of trading with the Indians in all such parts of North America as aforesaid (except as hereinafter mentioned): And we do hereby declare, that no rent shall be required or demanded for or in respect of this our Grant and License, or any privileges given thereby, for the first four years of the said term of 21 years; and we do hereby reserve to ourselves, our heirs and successors, for the remainder of the said term of 21 years, the yearly rent or sum of 5s. to be paid by the said Governor and Company, or their successors, on the first day of June in every year, into our Exchequer, on the account of us, our heirs and successors; and we do hereby declare, that the said Governor and Company, and their successors, shall, during the period of this our Grant and License, keep accurate registers of all persons in their employ in any parts of North America, and shall once in each year return to our Secretary of State accurate duplicates of such registers; and shall also enter into and give security to us, our heirs and successors, in the penal sum of £5,000, for ensuring, as far as in them may lie, or as they can by their authority over the servants and persons in their employ, the due execution of all criminal and civil processes by the officers and persons legally empowered to execute such processes within all the territories included in this our Grant, and for the producing or delivering into

custody for the purposes of trial all persons in their employ or acti
under their authority within the said territories who shall be charg
with any criminal offence: And we do also hereby require, that t
said Governor and Company, and their successors, shall, as soon
the same can be conveniently done, make and submit for our cons
eration and approval such rules and regulations for the managem
and carrying on the said fur trade with the Indians, and the cond
of the persons employed by them therein, as may appear to us to
effectual for diminishing or preventing the sale or distribution of sp
ituous liquors to the Indians, and for promoting their moral and r
gious improvement: But we do hereby declare, that nothing in this
Grant contained shall be deemed or construed to authorise the s
Governor and Company, or their successors, or any persons in th
employ, to claim or exercise any trade with the Indians on the Nor
West coast of America to the westward of the Stoney Mountains,
the prejudice or exclusion of any of the subjects of any foreign stat
who under or by force of any convention for the time being betwe
us and such foreign states respectively, may be entitled to and sh
be engaged in the said trade: Provided nevertheless, and we do here
declare our pleasure to be, that nothing herein contained shall exte
or be construed to prevent the establishment by us, our heirs or s
cessors, within the territories aforesaid, or any of them, or any colo
or colonies, province or provinces, or for annexing any part of
aforesaid territories to any existing colony or colonies to us, in rig
of our Imperial Crown, belonging, or for constituting any such fo
of civil government as to us may seem meet, within any such colo
or colonies, province or provinces:

161 And we do hereby reserve to us, our heirs and successo
full power and authority to revoke these presents, or any p
thereof, in so far as the same may embrace or extend to any of
territories aforesaid, which may hereafter be comprised within a
colony or colonies, province or provinces as aforesaid:

It being nevertheless hereby declared, that no British subjects oth
than and except the said Governor and Company, their successors, a
the persons authorized to carry on exclusive trade by them, shall tr
with the Indians during the period of this our Grant within the lim
aforesaid, or within that part thereof which shall not be compri
within any such colony or province as aforesaid.

Given at our Court at Buckingham Palace, 30th day of May, 18
By Her Majesty's command,

[L. S.] (Signed) GLENELG

CORRESPONDENCE, REPORTS, AND OTHER DOCUMENTS RELATING TO THE ALASKAN BOUNDARY QUESTION, 1872-1902.

To His Excellency the Hon. JOSEPH WILLIAM TRUTCH,
Lieutenant Governor of the Province of British Columbia.

May it please your Excellency:—We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of British Columbia, in Parliament assembled, beg leave to approach your Excellency with our respectful request that your Excellency will be pleased—insomuch as recent discoveries in the northern part of British Columbia give good reason to believe that extensive mining operations will shortly be established in that region, and inasmuch as the boundary line between the adjoining territory of Alaska and the said Province of British Columbia has never been properly defined, and insomuch as it will materially assist in maintaining peace, order, and good government within the said Province to have the boundary line properly laid down—to take such steps as may call the attention of the Dominion Government to the necessity of some action being taken at an early date to have the boundary line properly defined.

Attest

(Signed) CHARLES GOOD,
Clerk, Legislative Assembly.

MARCH 12, 1872.

Copy of a Report of a Committee of the Hon. the Executive Council, approved by His Excellency the Lieutenant Governor on the 5th July, 1872.

The Committee have considered the report from the Provincial Secretary, dated 28th June, 1872, on the Resolution of the Legislative Assembly of this Province, dated 12th March, 1872, on the subject of defining the boundary between Alaska and British Columbia.

The Resolution is as follows:—

To His Excellency the Hon. JOSEPH WILLIAM TRUTCH,
"*Lieutenant Governor of the Province of British Columbia.*

'May it please your Excellency:—We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of British Columbia, in Parliament assembled, beg leave to approach your Excellency with our respectful request that your Excellency will be pleased—insomuch as recent discoveries in the northern part of British Columbia give good reason to believe that extensive mining operations will shortly be established in that region, and insomuch as the boundary line between the adjoining territory of Alaska and the said Province of British Columbia has never been properly defined, and insomuch as it will materially assist in maintaining peace, order, and good government within the said Province to have the boundary line properly laid down—to take such steps as may call the attention of the Dominion

Government to the necessity of some action being taken at an early date to have boundary line properly defined.

"On the recommendation of the Provincial Secretary, the Committee advise the resolution before mentioned be forwarded to the Dominion Government with request of this Government that such action may be taken as may be necessa carry out the wishes of the Provincial Legislature."

Certified.

(Signed) JAMES JUDSON YOUNG,
Clerk, Executive Counci

EXECUTIVE COUNCIL CHAMBER, *8th July, 1872.*

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163 No. 69.] BRITISH COLUMBIA,
Government House, July 11, 187

SIR: I have the honour to forward herewith, for the considera of His Excellency the Governor General, a copy of an address to from the Legislative Assembly of this Province, praying that s may be taken to have the boundary line between British Colun and Alaska defined at an early date.

I have deferred the transmission of this address until I could ob the opinion of my Government on the subject matter thereof, whi expressed in the minute of Executive Council, a copy of which is h with inclosed.

The boundary line between the British Possessions in North Ame and the present United States Territory of Alaska—formerly Rus America—is laid down in the Convention of 1825, Articles 3 and 4

But the description therein given of this line of demarcation is so clearly defined as to render it readily traceable on the ground.

The initial point of this line on the mainland is debateable, and line of demarcation thence following the summit of the coast rang mountains to the 141st meridian west, but limited, whenever such s mit shall be found to be more than 10 marine leagues from the oc to a line drawn parallel to the coast, and at a distance of 10 ma leagues therefrom, following all the sinuosities thereof, cannot in p tice be determined.

I therefore concur with my Ministers in thinking that it is desir that some more clearly marked or definitely ascertained line shoul substituted for that described in the Convention above referred to.

But, although it certainly is advisable that attention should be ca to this subject, in order that steps may be taken to prevent any o sion for dispute hereafter, I am not aware of any circumstances wh appear to render the immediate adjustment of this matter urgent.

I have, &c.

JOSEPH W. TRUTC

The Hon. J. HOWE,
Secretary of State for the Provinces.

SECRETARY OF STATE FOR THE PROVINCES,
July 27, 187

SIR: I have the honour to acknowledge the receipt of your desp No. 69 of the 11th instant, covering a copy of an address to you f the Legislative Assembly of the Province of British Columbia, toge with a copy of a report of your Executive Council thereon, pra

that steps may be taken to have the boundary line between British Columbia and Alaska defined at an early date.

Your despatch and its inclosures will receive early consideration.

I have, &c.

(Signed) GRANT POWELL.

The Hon. J. W. TRUTCH,
Lieutenant Governor, Victoria, B. C.

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on September 20, 1872.

The Committee have had under consideration a despatch, dated 11th July, from the Lieutenant Governor of British Columbia, covering the copy of an address to him from his Legislative Assembly, requesting that, "inasmuch as recent discoveries in the northern part of British Columbia give good reason to believe that extensive mining operations will shortly be established in that region, and insomuch as the boundary line between the adjoining territories of Alaska and the said province of British Columbia has never been properly defined, and insomuch as it will materially assist in maintaining peace, order, and good government within the said Province to have the boundary line properly laid down, he will be pleased to take such steps as may call the attention of the Dominion Government to the necessity of some action being taken at an early date to have the boundary line properly defined."

64 Also covering the copy of an Order in Council of his Government, dated the 5th July last, in favour of action at an early date to have the said boundary line properly defined, and advising that the said resolution be forwarded to the Dominion Government, with the request of the Provincial Government that such action may be taken as may be necessary to carry out the wishes of the Provincial Legislature.

The above despatch and inclosures having been referred to the Honourable the Secretary of State, he reports that, recognizing the importance of the measure in question, in which the Imperial Government is interested also in the same manner as in the settlement of the International Boundary on the 49th parallel of north latitude, he recommends that Her Majesty's Government be communicated with, and respectfully requested to take the necessary steps to have the boundary under consideration determined and marked.

The Committee concur in the above report, and submit the same for your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

The Earl of Dufferin to the Earl of Kimberly.

No. 51.] TORONTO, *September 25, 1872.*

MY LORD: At the instance of my responsible advisers I have the honour to inclose a copy of a report of a Committee of the Privy

Council, which states that the Legislative Assembly of British Columbia have represented in an address to the Lieutenant Governor that, in view of extensive mining operations being established in the northern part of the Province in consequence of recent discoveries, the boundary line between the territories of Alaska and British Columbia should be properly defined; and advising that Her Majesty's Government be communicated with and requested to take the necessary steps to have the boundary determined and marked.

I have, &c.

(Signed) DUFFERIN.

The Right Honourable The EARL of KIMBERLY, &c., &c., &c.

DEPARTMENT OF SECRETARY OF STATE FOR THE PROVINCES,
Ottawa, September 28, 1872.

SIR: With reference to your despatch (No. 69) of the 11th July last, and its inclosures, I have the honour to transmit to you herewith, for the information of your Government, a copy of an Order of His Excellency the Governor General in Council on the Address of the Legislative Assembly of the Province of British Columbia, praying that the boundary line between that Province and the Territory of Alaska may be properly defined.

I have, &c.

(Signed) E. A. MEREDITH.

The Hon. J. W. TRUTCH, *Lieutenant-Governor*,
Victoria, B. C.

No. 573.

Sir E. Thornton to Earl Granville.

WASHINGTON, *November 18, 1872.*

MY LORD: In compliance with the instructions contained in your Lordship's despatch No. 379 of the 30th ultimo, I inquired of Mr. Fish, on the 14th instant, whether the U. S. Government would be willing to agree to an appointment of a Commission for the purpose of defining the boundary line between Alaska and British Columbia.

Mr. Fish replied that he was perfectly satisfied of the expedi-
165 ency of such a measure, but he feared that Congress might not be willing to grant the necessary funds. He said that when Congress voted a sum much smaller than was asked for the opening expenses of the North-West Boundary Commission, the Act of Congress contained a condition that, as a matter of economy, the engineers who might be necessary should be selected from amongst those in the active service of the U. S. Army. The War Department had then found great difficulty in detaching a sufficient number of engineers even for that Commission, and it might be impossible to detach additional officers for another Commission of the same nature, although he feared that Congress would be alarmed at the expense of engaging Civil Engineers outside of the Army and might insist upon the same conditions.

But when I saw Mr. Fish again on the 16th instant, he told me that

ıe had talked over the matter with the President, who was so impressed rith the advantage of having the boundary line laid down at once, that ıe had expressed himself as disposed to recommend to Congress in his ext message at its opening, that he should be authorized to appoint a ommission and the necessary assistance for that purpose on the part f the United States.

I have, &c.

(Signed) EDWARD THORNTON.

The EARL GRANVILLE, K. G., &c., &c., &c.

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resident Grant's Reference to the Alaska Boundary Question in his Annual Message to Congress on the 2nd December, 1872.

"Experience of the difficulties attending the determination of our admitted line of ıundary, after the occupation of the territory, and its settlement by those owing legiance to the respective Governments, points to the importance of establishing by ıtural objects or other monuments, the actual line between the territory acquired r purchase from Russia and the adjoining possessions of Her Britannic Majesty. ıe region is now so sparsely occupied that no conflicting interests of individuals or jurisdiction are likely to interfere to the delay or embarrassment of the actual loca- ın of the line. If deferred until population shall enter and occupy the territory, me trivial contest of neighbours may again array the two Governments in antago- sm. I therefore recommend the appointment of a commission to act jointly with e that may be appointed on the part of Great Britain, to determine the line between r territory of Alaska and the conterminous possessions of Great Britain."

Mr. Hammond to the Under Secretary of State, Colonial Office.

FOREIGN OFFICE, *December 12, 1872.*

SIR: With reference to my letter of the 9th instant, I am directed · Earl Granville to transmit to you, to be laid before the Earl of imberley, a copy of a further despatch from Sir E. Thornton, rela- 're to the steps which will be taken by the U. S. Government in gard to the Alaska Boundary.

I am, &c.

(Signed) E. HAMMOND.

The UNDER SECRETARY OF STATE, COLONIAL OFFICE.

No. 581.

Sir E. Thornton to Earl Granville.

WASHINGTON, *November 25, 1872.*

MY LORD: With reference to my despatch No. 573 of the 18th tant, I have the honour to inform your Lordship that, on the 22nd tant, Mr. Fish stated to me that the President had determined to ommend, in his message to Congress on its opening, that he should authorized to appoint a Commission on the part of the U. S. for purpose of laying down the boundary between British Columbia l Alaska, in concert with a Commission appointed by Her Majesty's vernment.

I have, &c.

(Signed) EDWARD THORNTON.

he Right Honourable The EARL OF GRANVILLE, K. G., &c., &c., &c.

166 *The Secretary of State for the Colonies to the Governor General.*

Canada—No. 19.]

DOWNING STREET, *January 18, 1873.*

MY LORD: With reference to my despatch No. 150 of 19th December, I transmit to your Lordship, for your information, a copy of a despatch received through the Foreign Office from Sir E. Thornton, forwarding copies of a Bill introduced into Congress for authorizing the survey of the Alaska Boundary.

I have, &c.

(Signed) KIMBERLY.

Governor-General the Right Honourable
The EARL OF DUFFERIN, K. P., K. C. B., &c., &c., &c.

No. 628.

Sir E. Thornton to Earl Granville.

WASHINGTON, *December 23, 1872.*

MY LORD: With reference to my despatch No. 581 of the 25th ultimo, I have the honour to enclose three printed copies of a Bill which was reported to the House of Representatives on the 17th instant, by General Banks, from the Committee on Foreign Relations, authorizing the survey and marking of the boundary between Alaska and British Columbia. The Bill was read a first and second time and referred to the Committee on Appropriations. Your Lordship will perceive that the Bill proposes to authorize the President to appoint, by and with the advice and consent of the Senate, a commissioner and a chief astronomer and surveyor, and to appoint independently an assistant astronomer and surveyor, a secretary to the Commissioner, and a clerk to the Chief Astronomer and Surveyor.

It asks an appropriation of $115,300 for the expenses of one year, and it proposes to authorize the President to direct that assistance may be given to the Commission by the officers and vessels of the Coast Survey.

I have, &c.

(Signed) E. THORNTON.

The EARL GRANVILLE, K. G., &c., &c., &c.

[H. R. 3254. [Mis. Doc. No. 20.] 42nd Congress, 3rd session.]

IN THE HOUSE OF REPRESENTATIVES.

December 17, 1872.—Read twice, referred to the Committee on Appropriations, and ordered to be printed.

Mr. BANKS, from the Committee on Foreign Affairs, reported the following Bill:

A BILL to provide for the determination of the boundary line between the British Possessions on the Pacific coast and the territory acquired by the United States from the Russian Government under the treaty of March thirtieth, eighteen hundred and sixty-seven.

1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for the purpose of surveying and marking the line of boundary between the territory of the United States, acquired by cession from Rus-

a, under the treaty of March thirtieth, eighteen hundred and sixty-seven, between ıe United States and Russia and the British Possessions in North America, the resident of the United States be, and he is hereby, authorized by and with the dvice and consent of the Senate, to appoint a commissioner and chief astronomer nd surveyor to act with officers to be named by Her Britannic Majesty, and there ıall also be appointed by the President such subordinate officers as are provided for by section two of this Act.

37 2. That there shall be an assistant astronomer and surveyor, a secretary to the commissioner, and a clerk to the chief astronomer and surveyor to be ppointed by the President.

3. That the compensation of the several officers provided for by this Act shall be ı follows, namely: The commissioner at the rate of four thousand five hundred dol- rs per annum; the chief astronomer and surveyor at the rate of four thousand dollars er annum; the assistant astronomer and surveyor at the rate of three thousand two undred dollars per annum; the secretary to the commissioner at the rate of two ıousand dollars per annum; and a clerk to the chief astronomer and surveyor at the ıte of one thousand six hundred dollars per annum.

4. That for the purpose of this Act there be, and is hereby, appropriated, out of ıy money in the treasury not otherwise appropriated, the following sums: For the laries of the officers provided for by this Act for one year, fifteen thousand three undred dollars; for provisions, transportation and contingencies, one hundred thou- nd dollars.

5. That for the purpose of aiding in the demarcation of the said line, the President ', and is hereby authorized, in his discretion, to direct the employment of such ficers, assistants and vessels attached to the Coast Survey of the United States as he ay deem necessary or useful; and the President may also, in his discretion, direct at engineers of the regular army of the United States shall be employed in the rformance of any of the duties contemplated by this Act, and direct the necessary tails for such purpose to be made by the Secretary of War.

No. 31.

The Earl of Dufferin to the Earl of Kimberley.

MONTREAL, *January 30, 1873.*

MY LORD: With reference to your Lordship's despatch No. 150, of e 19th December, 1872, I have the honour to enclose a copy of an pproved Report of a Committee of the Privy Council, accepting the oposal of Her Majesty's Government that Canada should bear a are of the British expenditure to be incurred in determining and arking out the boundary line between Alaska and British Columbia, recting a sum to be placed on the Estimates so soon as the approxi- ate cost can be ascertained, and requesting that Canada may be lowed to co-operate with the Imperial Government in organizing the aff required for this work.

I have, &c.

(Signed) DUFFERIN.

The Right Honourable The EARL OF KIMBERLEY, &c., &c., &c.

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py of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on January 27, 1873.

The Committee have had under consideration the despatch No. 150, dated 19th cember, 1872, from the Right Honourable the Secretary of State for the Colonies, ving reference to the proposed settlement of the boundary line between the terri- ies of Alaska and British Columbia by the appointment of a Commission to define e same.

The Honourable the Secretary of State, to whom said despatch has been referred, states, in his report dated 16th January, 1873, that the proposal made by Her Majesty's Government, that Canada should bear one-half of the share of the British expenditure to be incurred in determining and marking out this boundary line, as in the case of the 49th parallel, appears reasonable and should be accepted. He further recommends that so soon as the approximate cost of the same can be ascertained from her Majesty's Government, a sum be placed in the Estimates to cover that service, and that the Imperial Government be requested to allow Canada to co-operate with her in organizing the staff required, as suitable persons can readily be obtained here, who, from their requirements and familiarity with the description of country about to be surveyed, are well qualified to assist in this work.

168 The Committee concur in the report of the Secretary of State, and submit the same for your Excellency's approval, and they respectfully request that your Excellency will be pleased to transmit a copy of this Minute to Her Majesty's Secretary of State for the Colonies.

Certified.

(Signed) W. A. HIMSWORTH, *Clerk, Privy Council.*

The Secretary of State for the Colonies to the Governor General.

DOWNING STREET, *March 12, 1873.*

MY LORD: With reference to your Lordship's despatch No. 31, of the 30th of January, respecting the proposed marking out of the boundary line between Alaska and British Columbia, I have the honour to transmit to you, for your information, an extract from a despatch received through the Foreign Office from Her Majesty's Minister at Washington on this subject.

I have, &c.

(Signed) KIMBERLEY.

Governor General the Right Honourable
The EARL OF DUFFERIN, K. P., K. C. B.

No. 72.

Extract from a Despatch from Sir E. Thornton to Earl Granville, dated Washington, February 15, 1873.

"In my despatch No. 628, of the 23rd of December last, I had the honour to inclose copies of a Bill which was submitted to the House of Representatives to appoint a Commission for the purpose of marking the boundary between Alaska and British Columbia, from the Southern Point in the North Pacific to the Northern Point or the Arctic Ocean. On the 12th instant, Mr. Fish informed me, in the presence of Admiral Provost, that he had since received from the Engineer Department a detailed report of the estimated expense of the survey on the part of the United States and of the time which it would occupy. That Department, it seems, states that the cost would be about a million and a half of dollars for the United States alone, and that the survey could not be completed in less than nine years in the field and one more year in the office. But the Department had expressed an opinion that, under the present circumstances of the two countries, it would be quite sufficient to decide upon some particular points, and the principal of these they suggested should be the head of the Portland Canal, the points

where the boundary line crosses the Rivers Shoot, Stakeen, Taku, Iselcat, and Chelkaht, Mount St. Elias, and the points where the 141st legree of west longitude crosses the Rivers Yuken and Porcupine. The determination of these points alone would, in the opinion of the Engineer Department, occupy three years in the field, besides one in he office, and would involve an outlay by the United States of about alf a million of dollars.

"Mr. Fish added that he believed that it would be impossible for Congress during the present Session to take the Bill above mentioned nto consideration, owing to the immense amount of more important usiness which was now before it. He even doubted whether Congress would ever be induced to vote so large a sum as was deemed necessary o lay down the boundary completely, and hardly the amount required o carry out the second suggestion of the Engineer Department, but n either case it could not be discussed during the present Session."

The Secretary of State for the Colonies to the Governor General.

DOWNING STREET, *March 19, 1873.*

MY LORD: With reference to my despatch of the 12th March respect-ng the proposed marking out of the boundary line between Alaska and ritish Columbia, I have the honour to transmit to you a copy of a letter from the Foreign Office relating to this question.

39 You will observe that Earl Granville thinks that it may be desirable that an approximate estimate should be obtained for er Majesty's Government of the probable cost and of the time required r carrying out the objects of the proposed Commission.

I request that you will procure such a report either from the Lieu-nant-Governor of British Columbia, or from some other authority mpetent to form a judgment in this matter.

I have, &c.

(Signed) KIMBERLEY.

Governor General the Right Honourable
The EARL OF DUFFERIN, K. P., K. C. B., &c., &c., &c.

(Copy.)

Lord Tenterden to the Under Secretary, Colonial Office.

FOREIGN OFFICE, *March 12, 1873.*

SIR: I have laid before Earl Granville your letters of the 18th ultimo d 1st instant relative to the proposed survey of the Alaska Boundary. Lord Kimberley will have seen, from Sir E. Thornton's despatch, of ich a copy was inclosed in my letter of the 5th instant, that there is chance of the Bill for the appointment of the Commission passing United States Congress during the present Session, and that Mr. h expresses a doubt whether the necessary expenditure will ever be ctioned.

Under these circumstances, Lord Granville considers that it would premature to make any arrangements at present as to the persons be employed on the Commission, and I am to suggest that the nadian Government should be so informed and that Mr. Sproat

should be told, with reference to the offer of his services, that his application will be borne in mind.

Lord Granville has no means of judging of the accuracy of the American estimate of the expenses of the Commission, as reported in Sir E. Thornton's despatch above referred to, and he thinks that it might be desirable for Her Majesty's Government to obtain on their side an approximate estimate of the probable cost, and of the time required for carrying out the objects of the Commission; and I am to suggest that if Lord Kimberley concurs in this view, a report on the subject should be procured from the Governor of Vancouver's Island, or from any other quarter able to furnish the information.

I have, &c.

(Signed) TENTERDEN.

The UNDER SECRETARY OF STATE, COLONIAL OFFICE.

No. 25.

The Earl of Dufferin to Sir E. Thornton.

PRINCE EDWARD ISLAND, *July 22, 1873.*

SIR: I have the honour to transmit herewith a copy of a Report of a Committee of the Privy Council, covering copy of a correspondence with the Lieutenant Governor of British Columbia, respecting an alleged interruption to the free navigation of the Stikine River in Alaska as secured by the Washington Treaty of 1871.

These papers are forwarded to you at the instance of my Government, with the request that you will take such steps in the matter as you may deem expedient.

I have, &c.

(Signed) DUFFERIN.

The Right Honourable Sir E. THORNTON, K.C.B., &c., &c., &c.

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170 *Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 24th June, 1873.*

On a despatch, dated 23rd of May, 1873, from the Lieutenant Governor of British Columbia, enclosing a copy of a letter addressed to his Government from Fort Wrangel at the mouth of the Stikine River in Alaska, by a Mr. Wm. Moore, in reference to the navigation of that river, together with a Minute of his Executive Council requesting him to bring to the notice of Her Majesty's Government, through the proper channel, the restrictions to the free navigation of the said river, and also of the Youkon River by British subjects, in accordance with the Treaty of 1871, between Great Britain and the United States, alleged to be still maintained by the United States Government in the instructions to the Deputy Collector of Customs at Fort Wrangel under which that officer is said to be still acting.

The Honourable the Minister of Customs to whom said despatch has been referred, reports that he is of opinion that there is nothing in the power of his Department in the way of remedy, and suggests that a communication be addressed by your Excellency to Her Majesty's Minister at Washington to ascertain whether the allegations are well founded, or whether such an order as that quoted by Mr. Moore has been issued by the United States Government, and if so, to request its recall,—and the issue of such instructions to the Deputy Collector as may be consonant with the terms of the Treaty.

The Committee submit the report of the Minister of Customs for your Excellency's approval.

Certified,

(Signed) W. A. HIMSWORTH, *Clerk, Privy Council.*

[The despatch from the Lieutenant Governor of British Columbia of 23rd May, 1873, enclosing copy of letter from Mr. Moore and Minute of Executive Council referred to in Order in Council of 24th June, 1873) have been mislaid. The Lieutenant Governor of British Columbia has been asked for copies.]

No. 39.

The Earl of Dufferin to Sir E. Thornton.

QUEBEC, *September 25, 1873.*

SIR: With reference to my despatch of July 22 last (No. 25), enclosing copy of an Order of the Privy Council of the Dominion, respecting alleged interruption to the free navigation of the Stikine River, I have the honour to transmit to you a further Minute of Council requesting that the United States Government may be urgently moved to issue the necessary instructions for the free navigation of the river by British subjects, under the provisions of the Treaty of Washington of 1871.

I have, &c.

(Signed) DUFFERIN.

The Right Honourable Sir E. THORNTON, K.C.B., &c., &c., &c.

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 19th September, 1873.

The Committee have had under consideration a telegraphic despatch, dated September 11, 1873, from the Lieutenant Governor of British Columbia, stating that recent discoveries of gold in the Stikine River, rendering it very important that the free navigation of that river by British subjects be at once obtained under the provisions of the Washington Treaty, his Government request that the United States Government be urgently moved to issue instructions giving effect to the Treaty in that respect as solicited in his despatch of the May 23 last.

The Committee concur in the suggestion of the Lieutenant Governor, and recommend that your Excellency should be pleased to communicate with Sir Edward Thornton on the subject, reference being had to the previous Order in Council on the subject of the 24th last.

Certified,

W. A. HIMSWORTH, *Clerk, Privy Council.*

No. 34.

Sir E. Thornton to the Earl of Dufferin.

WASHINGTON, *October 1, 1873.*

MY LORD: With reference to your Excellency's despatch No. 25, of the 22nd July last, and to your despatch No. 39, of the 25th ultimo, I have the honour to inform you that, on receipt of the former, I addressed a note to Mr. Bancroft Davis, Acting Secretary of State, copy of which is enclosed. Mr. Davis subsequently informed me, in reply to my inquiries, that my note had been referred to the Secretary of the Treasury.

In consequence of a further inquiry which I made upon the subject, Mr. Davis sent me, on the 15th ultimo, copies of a letter to Mr. Fish

from the Secretary of the Treasury, enclosing copy of a letter upon the subject to the Collector of Customs at Sitka, to which latter no answer has yet been received. Under these circumstances, I think that it would be inexpedient to make a further representation to Mr. Fish until a reasonable time for the arrival of an answer from Sitka shall have elapsed.

I have the honour also to enclose copies of these two documents for your Excellency's information.

I have, &c.

(Signed) EDWARD THORNTON.

His Excellency The EARL OF DUFFERIN, K.P., K.C.B., &c., &c., &c.

Sir E. Thornton to the Hon. J. C. Bancroft Davis.

WASHINGTON, *July 31, 1873.*

SIR: I have the honour to inform you that the Governor General of Canada has called my attention to a communication which he received from the Lieutenant Governor of British Columbia, relative to the navigation of the River Stikine. Its contents were founded upon a letter of the 6th May last from a William Moore, residing at Fort Wrangel, in Alaska, in which he states that the United States Deputy Collector had informed him that he had been instructed by his Government that no foreign bottom should be allowed to carry freight through American territory on the Stikine River. It is probable that these instructions, the date of which is not given, were anterior to the Treaty of 8th May, 1871.

It appears, however, that the 26th Article of that Treaty, which provides for the free navigation of the Rivers Yukon, Porcupine, and Stikine, should have come into force on the exchange of the ratifications of the Treaty.

I should, therefore, feel obliged to you if you would cause inquiries to be made as to the truth of Mr. Moore's statement, in order that, if it be found necessary, instructions, in accordance with the above mentioned Treaty stipulation, may be forwarded to the United States authorities in Alaska.

I have, &c.

(Signed) E. THORNTON.

The Honourable J. C. BANCROFT DAVIS, &c., &c., &c.

Mr. Wm. A. Richardson to the Hon. Hamilton Fish.

TREASURY DEPARTMENT,
Washington, D. C., September 12, 1873.

SIR: Referring to your letter of the 2nd ultimo, covering a copy of a note of the British Minister relative to the navigation of the River Stikine, I have the honour to inclose herewith, for your information, a copy of a letter of this Department of the 8th instant, directing the Collector of the Port of Sitka, Alaska, to ascertain, without delay, the truth of Mr. Moore's complaint, and to transmit a copy of the instructions received at his port in relation to the navigation of the Stikine,

ith a copy of the instructions given to the Deputy Collector at Fort Vrangel on the subject. The Collector was directed also to report he practice of the Deputy Collector, with the authority on which it i based.

On receipt of the report in question, I shall have pleasure in transitting a copy.

I have, &c.

(Signed) WM. A. RICHARDSON, *Secretary.*

Hon. HAMILTON FISH, &c., &c., &c.

'2 *Mr. Wm. A. Richardson to the Collector of Customs, Sitka, Alaska.*

TREASURY DEPARTMENT,
Washington, D. C., September 8, 1873.

SIR: I have to inform you that Mr. Wm. Moore, residing at Fort 'rangel, Alaska, has addressed a complaint to the British Minister re, in which he states that the United States Deputy Collector had formed him that he had been instructed by his Government that no reign bottom should be allowed to carry freight through American rritory on the Stikine River.

As the 26th Article of the Treaty of Washington of May 8, 1871, ovides for the free navigation of the River Stikine, I have to request u to ascertain, without delay, the truth of Mr. Moore's statement, d to transmit a copy of the instruction received at your port in rela-n to the navigation of the Stikine, with a copy of the instruction ven to the Deputy Collector at Fort Wrangel on the subject, and te the practice of the Deputy Collector, with the authority on which s based.

Very respectfully,

(Signed) WM. A. RICHARDSON, *Secretary.*

COLLECTOR OF CUSTOMS, *Sitka, Alaska.*

No. 50.

The Earl of Dufferin to Sir E. Thornton.

OTTAWA, *November 25, 1873.*

SIR: With reference to your despatch No. 34, October 1, and to vious correspondence on the same subject, I have the honour to ose, for your information, a copy of a letter from the Department he Minister of Customs, forwarding an extract and copies of letters eived from the Collector of Customs at the Port of Victoria, B. C., ing reference to the navigation by British vessels of the Stikine er, and to request that you will have the goodness to take such on in the matter as you may deem expedient.

I have, &c.

(Signed) DUFFERIN.

he Right Honourable Sir E. THORNTON, K.C.B., &c., &c., &c.

No. 1.

The Acting Minister of Customs to the Earl of Dufferin.

CUSTOMS DEPARTMENT,
Ottawa, November 21, 1873.

MY LORD: I have the honour, in the absence of the Hon. the Minister of Customs, to inclose extract of a Report received from the Collector of Customs, at the Port of Victoria, British Columbia, having reference to the navigation, by British vessels, of the Stikine River, under the 26th Article of the Treaty of Washington of the 8th May, 1871, with a view to their transmission to the British Ambassador at Washington, in order that the subject referred to in Mr. Collector Hamley's Report may be brought under the consideration of the United States Secretary of State. I further beg to subjoin for your Excellency's information and that of Her Majesty's Ambassador at Washington, by way of confidential communication, copies in full of Mr. Hamley's letters of the 16th and 24th October, in which that public officer explains more fully to the Department the circumstances of this case, and the special interests affected by the restrictions still enforced by the American authorities in Alaska against the navigation, by British vessels, of the Stikine River (and it is presumed also in regard to the Rivers Yukon and Porcupine), notwithstanding the provisions of Article 26 of the Treaty of Washington, herein above referred to.

With respect to Mr. Collector Hamley's reference to the consular certificate required to accompany goods destined for British territory beyond Fort Wrangel, by way of the Stikine River, and the bonds exacted by the Custom House Officer at Wrangel, that such goods shall not be landed in American Territory; and stating that furs brought down the river are treated in the same way—bonds and certificates being required with fees of office—these are matters of regulation
173 which, though not unusual on the frontier of conterminous countries, might probably, in view of the primitive condition of the country in question, be relaxed and confined to the reporting and entry of the goods at the respective custom houses on either side of the national boundary.

I have, &c.

(Signed) D. CHRISTIE.
For the Hon. Minister of Customs.

To His Excellency the Right Honourable
The EARL OF DUFFERIN, Governor General, &c., &c., &c.

DEPARTMENT OF THE SECRATARY OF STATE,
Ottawa, November 27, 1873.

SIR: The subject of determining and defining the boundary line between the Province of British Columbia and Alaska Territory, U. S., having been brought under the notice of Her Majesty's Government, His Excellency the Governor General has been requested to ascertain and submit to the Secretary of State for the Colonies, an approximate estimate of the cost and of the time required for carrying out the objects of any commission that might be appointed for that purpose.

I have, therefore, the honour to request that you will furnish me, for His Excellency's information, with a report on the above mentioned heads.

In connection with the subject, I inclose for your information an xtract from a despatch from Her Majesty's Minister at Washington, iving the opinion of the United States Engineer Department as to he probable cost and duration of the proposed survey.

I have, &c.

(Signed) D. CHRISTIE,
Secretary of State.

Captain D. R. CAMERON, R. A.,
Boundary Commissioner, Ottawa.

Extract.

"Mr. Fish informed me, in the presence of Admiral Provost, that he had since ceived from the Engineer Department a detailed report of the estimated expense the survey on the part of the United States, and of the time it would occupy.

"That Department, it seems, states that the cost would be about a million and a alf of dollars for the United States alone, and that the survey could not be com-eted in less than nine years in the field, and one more year in the office. But the epartment had expressed an opinion that under the present circumstances of the o countries, it would be quite sufficient to decide upon some particular points, and e principal of these they suggested should be the head of the Portland Canal, the ints where the boundary line crosses the Rivers Shoot, Stikine, Taku, Iselcat, and elkaht, Mount St. Elias, and the points where the 141st degree of west longitude osses the Rivers Yukon and Porcupine. The determination of these points alone ould, in the opinion of the Engineer Department, occupy three years in the field, sides one in the office, and would involve an outlay by the United States of about lf a million dollars."

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aptain D. R. Cameron, R. A., to the Secretary of State of Canada.

OTTAWA, *November 29, 1873.*

SIR: I have to acknowledge receipt of your despatch No. 1176 on 1467, ted 27th November, 1873, and its inclosure, in which you do me the nour to desire that I should submit an approximate estimate of the st and of the time required for determining and defining the boundary ie between the Province of British Columbia and Alaska territory—

for the information of His Excellency the Governor General.

I shall do myself the honour to comply with your request; but, before entering into a detailed examination of the subject, beg to be informed if it is desired to estimate for only so much of e international boundary as affects the Province of British Colum-a, or, in accordance with what the inclosure you have sent to me pears to indicate, has been contemplated by the Government of the ited States, to estimate for a temporarily efficient marking of the e from the southernmost point of Prince of Wales Island to the ctic Ocean.

I have also to request that application may be made to Her Majesty's vernment for copy of the map by which the negotiations of the eaty of 1825 between Russia and Great Britain were guided in their cription of the boundary, and also of any correspondence which y throw light upon the subject.

It would also be desirable to obtain a copy of the map upon which e proposition of the United States Government is partially founded, l of the details of their estimate. As the Commission parties to sent out by the two Governments concerned would necessarily

have to act in concert, the plans and estimates of the one must, t
great extent, be influenced by those of the other.

I have, &c.

(Signed) D. R. CAMERON, Capt. R. A.,
H. M. N. A. Boundary Commissioner

The Honourable The SECRETARY OF STATE, DOMINION OF CANAD

Sir E. Thornton to the Earl of Dufferin.

No. 44.] WASHINGTON, *December 15, 1873*

MY LORD: With reference to your Excellency's despatch No. 50
the 25th ultimo, I have the honour to inclose copies of a note and of
inclosure, which I have received from Mr. Fish in answer to one wh
I had addressed to him in consequence of your Excellency's despa
above mentioned, relative to the navigation of the River Stikine.

As soon as I may be able to obtain a copy of the regulations
which the Secretary of the Treasury alludes in his letter to Mr. Fi
I shall not fail to forward it to your Excellency.

I have, &c., &c.

(Signed) EDWARD THORNTON

His Excellency The EARL OF DUFFERIN, K. P., K. C. B., &c., &c.,

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Mr. Fish to Sir E. Thornton.

DEPARTMENT OF STATE,
Washington, December 13, 1873

SIR: Referring to your note of the 1st instant, in relation to
alleged interference with the right of navigation of the Stikine Riv
secured by Article 26 of the Treaty of Washington, I have now
honour to inclose herewith, for your information, a copy of a let
of the 10th instant, upon the subject from the Secretary of the Treasu

I have, &c.

(Signed) HAMILTON FISH

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

Mr. William A. Richardson to Mr. Fish.

TREASURY DEPARTMENT,
Washington, D. C., December 10, 1873

SIR: I have the honour to acknowledge receipt of your letter of
3rd instant, referring to a communication from the Department
State of the 3rd August last, covering a copy of a note of the Brit
Minister relative to the navigation of the Stikine River.

175 You now inclose a copy of another note from the Brit
Minister of the 1st instant, upon the same subject, and inv
my attention to the alleged interference with the right of navigat
of that river secured by Article 26 of the Treaty of Washington, a
you express the desire to know if any further information has be
received by this Department since the date of my letter of the 1

September last, addressed to the Department of State, which covered a copy of my letter of the 8th of that month to the Collector of Customs at Sitka, asking him to report the facts without delay for communication to the British Minister.

I regret to inform you that no report from the Collector at Sitka has been received. But on the 9th instant, the Collector was advised that, under the circumstances of the case, and in compliance with the suggestion of the British Minister of the expediency of sending instructions, the Department was willing to give effect to Article 26 of the Treaty which, for the purposes of commerce, opens the navigation of the Yukon, Porcupine, and Stikine Rivers to British subjects under such laws and regulations as would govern in such cases.

The Department desires that every facility should be given to British vessels engaged in this commerce. With this view the Collector was instructed to carry out, for the present, Article I, page 10 of the Regulations the Department will shortly issue, governing the transportation of merchandise to, from, and through the Dominion of Canada, under the Acts of June 29, 1864, and July 28, 1866, the Treaty of Washington, and the Act of March 1, 1873, for which purpose a copy was sent him.

And the Collector was directed, with a further view of giving more specific instructions, to report the number and tonnage of British vessels employed upon the Stikine and other rivers mentioned, the cargoes they carry, and the final destination of the goods; and to forward a copy of the regulations issued by the British authorities in regard to American vessels on the same river.

And I may add that the Department contemplates the issue of Regulations, on the opening of navigation in Alaska, which will protect the interests of the Revenue, while the stipulations of the Treaty will be duly observed.

I have, &c.

(Signed) WM. A. RICHARDSON, *Secretary.*

The Honourable HAMILTON FISH, &c., &c., &c.

Mr. R. G. W. Herbert, Colonial Office, to the Officer Administering the Government of Canada.

[A 1: Canada—No. 352.]

DOWNING STREET, *December 18, 1873.*

MY LORD: I am directed by the Secretary of State for the Colonies to transmit to you, for your information, the documents specified in the annexed Schedule.

I have, &c.

(Signed) ROBERT G. W. HERBERT.

The OFFICER ADMINISTERING THE GOVERNMENT OF CANADA.

Date.—10th Dec., 1873.

Description of Document.—Copy of a letter from the Foreign Office transmitting one forwarded to Earl Granville by the Hudson's Bay Company, from their officer at Victoria, Vancouver's Island, and stating that Sir E. Thornton has been instructed to bring to the notice of the United States Government the statement that British vessels are not allowed to pass into the Stikine River.

Lord Tenterden to the Under Secretary, Colonial Office.

FOREIGN OFFICE, *December 10, 1873*

SIR: I am directed by Earl Granville to transmit to you a copy o
letter, which has been forwarded to him by the Hudson Bay Comp
from their officer at Victoria, Vancouver's Island, stating that no B
ish vessels are allowed to pass into the Stikine River, althou
176 by the Treaty of Washington the free navigation of the ri
was secured to British as well as American vessels; and I am
inform you that Sir E. Thornton has been instructed to bring
matter to the notice of the United States Government.

I am, &c.

(Signed) TENTERDEN

The UNDER SECRETARY OF STATE, COLONIAL OFFICE.

Extract of a letter from James A. Graham, Esquire, to the Secretary of the Hudson's Company, dated Victoria, 27th October, 1873.

"The news from the Stikine country continues to be exciting, the report of mines having been discovered near Devor's Lake being confirmed by parties have come from there bringing gold dust with them. The gold is of coarse qua but of low standard, averaging only about $16 per ounce, and much resembling gold from Big Bend. The mines are said to be surface diggings, not descending ther than eight or ten feet into the ground.

"Until spring nothing reliable can be ascertained as to the extent and durab of these mines, as the season for working so far north is over. Quite a numb people will, however, find their way thither in April, and if the mines are as ric report states them to be the country will be rapidly opened up.

"The nearest British port to the Stikine River is Fort Simpson, and it is fe that the Americans may derive more advantage from these mines than ourselve they have a good port at Fort Wrangel, where cargoes could be transhipped f ocean to river steamers, while river steamers would not answer for the naviga from Fort Simpson to the river.

"You are aware that both nations have the free navigation of that river sec to them by treaty, subject to the laws and regulations of either country withi own territory.

"The American Custom-house Agent at Fort Wrangel is without instructio regards the Treaty, and has orders to allow no British vessel to pass that place. will probably be set right before spring, as Mr. Hamely, the Collector of Cust here, who has just returned per *Otter* from Fort Wrangel, has drawn the attentic the authorities at Ottawa to the matter.

"The route to the Mines so far pursued is up the Stikine River about 150 n and then by land about 80 miles; the miners carrying their packs upon their ba taking about 12 days to ascend the river in canoes, and about six to accomplish 80 miles by land."

Sir E. Thornton to the Earl of Dufferin.

No. 1.] WASHINGTON, *January 3, 187*

MY LORD: With reference to previous correspondence upon subject of the free navigation, by British subjects, of the River Stik I have the honour to inclose copy of a note from Mr. Fish, of yes day's date, in which he states that the United States Collecto Customs at Sitka and the Deputy Collector at Wrangel Island h

een instructed to act in accordance with the provisions of the Treaty f Washington.

I have, &c.

(Signed) EDWD. THORNTON.

His Excellency Right Honourable
The EARL OF DUFFERIN, K. P., K. C. B., &c., &c., &c.

Mr. Fish to Sir E. Thornton.

DEPARTMENT OF STATE,
Washington, January 2, 1874.

SIR: Referring to previous correspondence upon the subject of the vigation by British vessels of the Stikine River in the territory of Alaska, I have the honour to inform you that it is stated in a '7 letter of the 23rd ultimo, from the Secretary of the Treasury, that the Collector at Sitka and the Deputy Collector at Wrangel land have been instructed to act in accordance with the provisions the treaty of Washington.

I have, &c.

(Signed) HAMILTON FISH.

The Right Honourable Sir EDWARD THORNTON, K.C.B., &c., &c., &c.

The Earl of Dufferin to the Earl of Kimberley.

. 18.]

OTTAWA, *January 10, 1874.*

MY LORD: Previous to the receipt of your Lordship's despatch No. 2, of the 18th December, 1873, transmitting a copy of a letter and closure from the Foreign Office relating to the navigation of the kine River, a correspondence had passed on the same subject between r Majesty's Minister at Washington and myself, a copy of which I e now the honour to inclose for your information.

Your Lordship will perceive from the inclosures in Sir Edward ornton's despatch of the 15th December, 1873 (No. 44), that the ited States Treasury Department is willing to give effect to the 26th ticle of the Treaty of Washington which opens the navigation of Yukon, Porcupine, and Stikine Rivers to British subjects, and in ater despatch, dated 3rd January, Sir Edward Thornton states that has been informed by the Secretary of State of the United States t the Collector of Customs at Sitka and the Deputy Collector at rangel Island have been instructed to act in accordance with the visions of the Treaty.

I have, &c. (Signed) DUFFERIN.

The Right Honourable The EARL OF KIMBERLEY, &c., &c., &c.

Report of J. S. Dennis, Surveyor General of Canada, to the Mini of the Interior.

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS BRANCH,
Ottawa, February 17, 187

MEMORANDUM.

Certain papers, that is to say,—

1. A despatch from the Secretary of State for the Colonies to Governor General, dated March 12, 1873, covering an extract despatch from Sir Edward Thornton to the Earl of Granville, d February 15, 1873.

2. A further despatch from the Secretary of State for the Colo to the Governor General, dated March 19, 1873, together with a le from Lord Tenterden to the Under Secretary, dated March 12, 1

3. Two Orders of the Honourable the Privy Council, dated res tively September 20, 1872, and December 5, 1873.

4. A letter from Captain Cameron, R.A., Her Majesty's Bri North American Boundary Commissioner, dated November 29, 1 together with other documents on the subject of the contempl survey of the boundary between British Columbia and the Domi Lands, and the United States territory of Alaska, having been refe to the undersigned, he has the honour to submit the following re thereon.

In order to illustrate his remarks he annexes,—

1. An extract from the Treaty of February 28, 1825, between G Britain and Russia, describing the boundary in question.

2. A tracing from the official map,[a] published by the United St Government, of the surveys of the North-west Coast of the Pac and showing the whole boundary from the head of the Portland C to the Arctic Ocean.

The undersigned is of opinion that it is unnecessary at present (it may be for all time) to incur the expense of determining and m ing any portion of the boundary under consideration other tha certain of the points mentioned in the extract alluded to in the desp from Sir Edward Thornton to the Earl of Granville, dated Febru 15, 1873, that is to say:—

1. The head of the Portland Canal, or the intersection of the s by the 56th parallel of north latitude.

178 2. The crossing of the following rivers on the Pacific coas the said boundary, that is to say: the Rivers "Shoot," " keen," "Taku," "Isilcat," and "Chilkaht."

3. The points where the 141st meridian west of Greenwich cro the rivers Yukon and Porcupine.

There is no object to be gained of which the undersigned is av in fixing the intersection of the boundary along the coast with the 1 meridian, assumed to be on Mount Elias. That expenditure, th fore, may be saved.

The most expensive part of the service proposed is involved in de mining the crossing of the rivers mentioned by the boundary, as same is to run directly parallel to the Pacific coast.

[a] This map will be found in the Atlas, Appendix Vol. II.

It must be remembered, however, as a very important consideration regards the cost of the survey now proposed, that the several rivers med being, as the undersigned is led to believe, navigable up to and yond the probable line of boundary, will greatly facilitate the deter- nation of the latter; and, further, the United States surveys of the st could be advantageously used to locate the coast line in deciding mouths of the rivers in question, as points from whence the neces- y triangulation surveys should commence, in order to determine ten marine leagues back, and might further be agreed on and opted by the Commissioners as affording the data which, in their cretion, might be used to regulate the direction and location of the ndary across the valleys of those rivers.

The points of crossing of the rivers Yukon and Porcupine by the st meridian might be fixed by a separate Commission, which, pointed simultaneously with the other, might ascend the Yukon by team launch, leaving the ship, which would carry the party from n Francisco at the mouth, and take the necessary observations for gitude, and erect boundaries.

This might easily be done in one season, and the occasion might also turned to valuable account in acquiring information respecting the minion territories drained by those rivers.

Respectfully submitted.

(Signed) J. S. DENNIS, *Surveyor General.*

The Hon. the MINISTER OF THE INTERIOR, *Ottawa*

The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET, *March 19, 1874.*

MY LORD: With reference to your despatch of the 15th December , and to Lord Kimberley's reply of the 5th of February, I have the our to transmit to you copy of a despatch which has been received ough the Foreign Office, from the British Minister at Washington, egard to the probable expense and time that would be required for rmining the Alaska boundary.

I have, &c.

(Signed) CARNARVON.

overnor General The Right Hon.

The EARL OF DUFFERIN, K. P., K. C. B., &c., &c., &c.

Sir E. Thornton to the Earl of Derby.

WASHINGTON, *February 23, 1874.*

MY LORD: In compliance with the instructions contained in Earl nville's despatch No. 42, of the 29th ultimo, I asked Mr. Fish to let ave a copy of the Report of the United States Engineer Depart- t, with regard to the cost and time which would probably be required etermine the Alaska boundary.

r. Fish promised to look through the papers and see whether he d send me the report in question. The next day I received from a copy of a letter from General Humphreys to the Secretary of

War, copy of which I have the honour to inclose. I also forward copy of it to Captain Cameron.

Your Lordship will perceive that General Humphreys alludes report drawn up by Captain C. W. Raymond of the Engine

179 At a subsequent interview which I had with Mr. Fish on 19th instant, I alluded to this report, and inquired whether it tained any additional information to that communicated by Gen Humphreys. Mr. Fish replied that it was very long and entered much more into detail, but that General Humphreys' letter gave whole substance of that report. He showed me the document wh was certainly so long that I did not venture to ask him to let me h a copy of it. It was unfortunately bound up with other papers, I would have asked him to lend it me in order that I might hav copied at the Legation.

With reference to the subject, Mr. Fish said that there existe this moment such a determination in Congress to push retrenchm to its utmost limit, that it would be impossible to induce that body this moment, to vote the amount which would be necessary for expenses of the first year of the survey, nor would it be advisabl make any attempt to do so. He hoped that next year the circ stances of the country might be more prosperous, and that then sibly the instruments and persons now employed in laying down north-western boundary might be transferred to the survey of between British Columbia and Alaska.

I have, &c.

(Signed) EDWARD THORNTO

The EARL OF DERBY, &c., &c., &c.

Report by Major D. R. Cameron as to the Cost and Time required the Determination of the Boundary Line between British Colum and Alaska.

OFFICE OF H. M. BOUNDARY COMMISSION,
Emmadale, Dufferin, Manitoba, February 18, 187

SIR: In despatch No. $\frac{1}{1}\frac{1}{1}\frac{1}{8}$ of the 27th November, 1873, you did the honour to request that I would furnish, for the information of Excellency the Governor General, an approximate estimate of the and of the time required for carrying out the objects of any Com sion that might be appointed to determine and define the boundary between British Columbia and Alaska.

I have now the honour to state that, depending on the circumsta referred to in the accompanying detailed report, the cost of the w will not be less than $425,000 nor more than $2,230,000, and the t for its completion will be from two to seven years from the comme ment of operations.

An explanation is due from me of the delay which I very m regret has occurred in furnishing the report called for by His Ex lency the Governor General.

It was not until last May that I received all the information ne sary for my report. At that time I was fully occupied with prep tions for the departure of the expedition starting to mark the bound

the east of the Rocky Mountains. I had to leave hurriedly to meet
› United States Commissioner at St. Paul, Minnesota, and immedi-
ıly afterwards, in consequence of rumours that the Prairie Indians
re assuming a hostile attitude, I had to hasten to join the expedition.
Since that time it is only within the last few days that I have been
ıe to turn my attention from the discharge of my duties under Her
ıjesty's Commission to the subject of the report now submitted.
I have the honour to be, sir,

Your most obedient and humble servant,

(Signed) . D. R. CAMERON, Major, R. A.,
Her Majesty's Commissioner.

The Honourable The SECRETARY OF STATE, DOMINION OF CANADA.

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ort on the probable expense of marking the British Alaskan Boundary Line, and the time required to complete the work.

he boundary line which is the subject of this Report is described in Articles III IV of the Convention between Great Britain and Russia, signed at St. Peters-gh, 28th (16th) February, 1825. These articles are as follows:—

I. The line of demarcation between the possessions of the High Contracting ties upon the coast of the continent and the islands of America to the north-west, l be drawn in the manner following:—

ommencing from the southernmost point of the island called the Prince of Wales Island, which point lies in the "parallel of 54° 40′ north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Chan-as far as the point of the continent where it strikes the 56th degree of north ıde; and from this last-mentioned point the line of demarcation shall follow the mit of the mountains situated parallel to the coast as far as the point of inter-ion of the 141st degree of west longitude (of the same meridan); and finally from said point of intersection the said meridian line of the 141st degree in its prolon-ɔn as far as the Frozen Ocean shall form the limit between the Russian and Brit-possessions on the continent of America to the north-west."

7. With reference to the line of demarcation laid down in the preceding articles understood:—

1st. That the Island called Prince of Wales Island shall belong wholly to Russia.

2nd. That wherever the summit of the mountains that extend in a direction ıllel to the coast from the 56th degree of north latitude to the point of intersec-of the 141st degree of west longitude shall prove to be at the distance of more ı ten marine leagues from the ocean, the limit between the British possessions the line of coast which is to belong to Russia, as above mentioned, shall be ıed by a line parallel to the windings of the coast, and which shall never exceed distance of ten marine leagues therefrom."

laska was transferred by Russia to the United States by treaty, signed at Wash-ɔn on the 30th March, 1867; and the British Alaskan boundary line was ribed in that treaty by a repetition of Articles III and IV now quoted.

ɔr the demarcation of the described line it is considered that an expedition nized of one astronomical party and two surveying parties will be efficient and t economical. By a larger party the work might be accomplished in less time; the cost of first outfit and the additional current expenditure involved in ributing provisions and supplies regularly to numerous distant points would be h and disproportionately increased.

ıe smaller the expedition may be compatibly with efficiency the less will be the of the undertaking.

ıe annual cost of maintaining such an organization as is described in the field vary greatly with the transport that may be necessary; and the amount and of transport will depend upon the extent and conditions of the country to be red at one time.

is understood that the Government of the United States, in view of the costli-of marking the line throughout and the small present advantage to be derived ı the undertaking, are of opinion that it will be sufficient to determine the limits

of the territory accessible to settlers, and upon navigable waters and rivers; and have referred to the following points as of importance:—

The southernmost point of the Prince of Wales Island;

The point on the parallel of 56° north latitude, at which the line leaves Portland Channel;

The points at which the line crosses the following rivers:—

The Stakeen,
The Taku,
The Chilcat,
The Alsekh,
The Yukon, and
The Porcupine.

The Government of Canada, also influenced by the costliness of the undertaking, recommend limiting the demarcation to that portion of the line extending from the most southerly point at the Prince of Wales Island northerly and westerly to Mount St. Elias.

It is to be noted that to the north of the place at which the Government of Canada propose the work should terminate for the present, the United States Government desire to mark only two points—the crossings of the Rivers Yukon and Porcupine—and that the marking of these two points may be accomplished without increasing the strength of the expedition beyond what would be necessary were these two points neglected. The astronomical party to do the work would be in the field and equipped in all respects, except as regards provisions and a small increase to its transport.

181 It is considered that while the surveyors would be necessarily occupied elsewhere, the astronomers might certainly ascertain the points of intersection of the meridian of 141° west longitude with the rivers Yukon and Porcupine, in addition to the southernmost point of Prince of Wales Island, and that of the parallel of 56° north latitude where the line changes its course in the Portland Channel.

While the United States Government have indicated a definite plan of procedure, and named the points of the boundary which they consider it essential should be marked, the Government of Canada make no reference to such details, and therefore leave it to be assumed that they expect the terms of the Treaty to be fully and strictly carried out.

The cost of marking the line will be seriously affected by the view which may prevail on this subject.

The Treaty describes a line which, in its course northerly from Portland Channel to its intersection with the meridian of 141° west longitude, traverses a very mountainous and heavily wooded country, and defines it as following, "The summit of the mountains situated parallel to the coast," or, where mountains are not within ten marine leagues of the sea, then "parallel to the windings of the coast" at no greater distance than ten leagues.

To carry out these terms it would be necessary to complete a survey of the belt of country between the coast line and mountain summits, about 900 miles in length, and occasionally, perhaps, ten marine leagues in breadth.

The coast line might furnish an exceptionally advantageous base of supplies; but notwithstanding this advantage the difficulties with which the surveying parties would have to contend in their progress inland, the necessarily circuitous course of their movements, and the extreme irregularity of the line to be marked—at times passing from mountain top to mountain top, at others repeating the meandering of a coast, broken by numerous bays, long narrow inlets and river mouths—would be of the most serious description.

The plan contemplated by the United States Government is one which, at first sight, would appear to render the operation of an expedition simple, expeditious and economical; all the stations named excepting, perhaps, the Porcupine River, might be reached by water, and three seasons—April to October inclusive—would suffice to complete the work.

* * * * * * *

Under any circumstances it is considered necessary that the expedition should be assembled and organized at Victoria, Vancouver's Island.

The advantage of employing officers and men who have been disciplined and trained in the same scientific school is so marked, that there is no room to doubt the work may be most efficiently performed by the Royal Engineers.

The men employed to assist astronomers and surveyors, and several artificers, might be provided by the Royal Engineers at much less cost to the public, exclusive of fares in going from and returning to even England, than would be involved by hiring in British Columbia, where the labour market is very limited and wages are very high.

The rates of wages at Vancouver's Island have been examined, and in such cases

hired labour would be most economical, the preference has been given in the
ompanying detailed estimate to the provincial market.
.ssuming that Royal Engineers will be employed as astronomer's and surveyor's
stants, and in some cases as artificers, they should arrive at Victoria in November
ceding the spring in which operations would be commenced in the field. They
uld be accompanied by the Chief Astronomer and an assistant officer, and be
)loyed during the winter in preparing for operations in spring.
n experienced army control officer should leave England for San Francisco and
ıcouver's Island not later than June preceding the arrival of the Engineers, to
chase and forward supplies and superintend their storage and preparations for
ribution in the following spring.
'ith regard to commissariat supplies—food, clothing, and general stores—a com-
son of detailed price list, furnished for the purpose of this report by His Honour
Lieutenant Governor of British Columbia and Her Majesty's Consul at San Fran-
), with the experience gained during the operations of the boundary expedition
he North-West Territories, shows that from San Francisco all goods, with the
)ption of clothing, may be obtained most cheaply—clothing may be most econom-
ically purchased in England.

The British Columbia market can compete with the United States and England only in respect of a few unimportant articles which are produced to suit local climate and the country.

ules, of which a large number will be required if the line be marked as laid down
he Treaty, have been estimated to cost $200 each. According to the place of
hase their prices vary from $100 to $200 each. The higher rate has been taken
ver transport, deaths, and loss from other causes.
ıould the United States scheme of procedure be adopted, or that proposed in this
rt, mules would be replaced by boats and steam launches, and a large saving in
e, in wages and food, &c., for muleteers and in transport would be effected.
ats may be most conveniently built at Vancouver's Island. Machinery may be
hased for them either in England or the States.
ıff Commander Pender, R. N., has had great experience of the coast of British
mbia, and would probably be best qualified to give advice with reference to boats
d for the expedition.
incipal depôts should be established at Fort Simpson, at the mouth of Portland
ınel, and at Fort Yukon, where Porcupine River joins the Yukon River, to meet
equirements of the expedition if the proposed alteration in the Treaty stipula-
be not adopted. Should the alteration be approved, no principal depôt would
eeded at Fort Simpson, but, instead, one would have to be established at the
of navigation, up Linn Channel. Here, too, winter quarters for the party, or a
on of it, might be most conveniently placed.
ditional winter accommodation in the neighbourhood of Fort Yukon would be
red.
:h written accounts of the Indians of Alaska as have been accessible tend to show
while they are treacherous and ready to take advantage when success is sure,
are devoid of courage and easily repressed by a firm bearing towards them. It
wever, deemed necessary that arms and ammunition should be provided for
member of the expedition. In 1851, Lieutenant Bernard, of H. M. S. "Enter-
" and the whole population of Nulato were massacred in the most brutal man-
y the Koyukun Indians of Yukon River. The origin of the tragedy was that
at a meal Lieutenant Bernard, then a member of a party in search of Sir John
lin, stated his intention of sending for the chief of the Koyukun tribe to obtain
nation. The remark was repeated to the chief, who took offence.
ın in 1855, the natives and Creoles of Andreaffsky, at the mouth of the Yukon,
ıcred the Russians there.
each occasion the attacked were defenceless.
ıen Vancouver was exploring in the neighbourhood of Portland Channel the
ns there made an attempt to overpower his party, but upon decided resistance
offered, immediately fled.
se instances are sufficient to indicate the necessity for the observance of pre-
ınary measures to prevent surprise at depôts and attacks on isolated parties.

* * * * * *

(Signed) D. R. CAMERON, Major,
Her Majesty's Commissioner.

'FERIN, MANITOBA, *18th February, 1875.*

E.—The Appendix to this report, which may be found in Canadian Sessional
s, 1878, deals with a mass of detail of no importance in this discussion. It is,
ore, not published here.

The Earl of Carnarvon to the Earl of Dufferin.

Canada.—No. 251.] DOWNING STREET, *October 22, 187*

MY LORD: I have the honour to transmit to your Lordship a c
of a despatch from Her Majesty's Minister at Washington, repor
a conversation with Mr. Fish, respecting the settlement of s
British subjects at a point near the Stikine River, alleged by Amer
officers to be within the United States territory and b
183 the British Custom House, which is also stated to be withi
United States boundary.

In view of the circumstances represented by Mr. Fish, it appea
Her Majesty's Government desirable that an officer should be sen
your Government or by the Provincial Government of British Col
bia, to ascertain whether the settlement alluded to and the Br
Custom House are within British territory.

I should be glad to be informed whether your Government
prepared to take this course.

I have, &c.

(Signed) CARNARVO

Governor General The Right Honourable
The EARL OF DUFFERIN, K.P., K.C.B., &c., &c., &

Sir E. Thornton to the Earl of Derby.

WASHINGTON, *September 27, 187*

MY LORD: During an interview with Mr. Fish, on the 23rd inst
he read me a couple of letters which had been received from the Un
States Collector of Customs at Sitka, in Alaska, in which the Colle
states that a party of British subjects had settled near the bank of
River Stikine, at a point which they declared was within the terri
of British Columbia, but which American officers on the spot beli
and asserted to be within the territory of the United States.
point was stated to be below the British Custom House on the Stik
which Custom House was also supposed to be within the United St
territory, that is, within ten marine leagues from the coast at w
the boundary should be in accordance with the provisions of the
Article of the Convention of the 28th February, between Great Bri
and Russia.

The Collector's letter further stated that the British Deputy
lector on the Stikine had given his opinion that the new settler
was within United States territory, and it added that the settlers
laying out the plan of a town, and that it was said that they had app
to the Government of British Columbia for titles to the land.

Mr. Fish asked what I thought could be done to settle the ques
of jurisdiction. I replied that the occurrence went to prove the
dom of the recommendation of Her Majesty's Government tha
time should be lost in laying down the boundary between the two
ritories. As it was, I could see no way of deciding the question ex
by sending officers, on behalf of each country, to take observat
and determine on whose territory the new settlers had establi
themselves. I observed that when the question of laying down
boundary was discussed about two years ago it was suggested th

a whole survey could not be made the points where the territories ıt could be fixed on the rivers which run through both of them.
Mr. Fish replied that even for this partial survey he feared that it ıuld be difficult to obtain the necessary grant during the next Ses-ın of Congress, but he suggested that, as the weight of evidence ıned at present to be in favour of the point in question being in ıited States territory, the settlers should be called upon to suspend erations for the present and until the question of territory could be ıided.
Upon this subject Her Majesty's Government will no doubt take h steps as it may deem expedient. During the winter nothing can done by the settlers, but as it is supposed that they have been racted to that country by the supposed existence of large quanti-s of silver and gold, it is not likely that they will refrain from iting the ground as soon as the season will allow them to work.

I have, &c.,

(Signed) E. THORNTON.

he Right Honourable The EARL OF DERBY.

The Earl of Dufferin to the Earl of Carnarvon.

OTTAWA, *November 24, 1875.*

IY LORD: With reference to your Lordship's despatch, No. 251, of 22nd October last, respecting the occupation by British subjects erritory near the Stikine River, alleged to be within the United es, I have the honour to enclose herewith a Report of my Privy ncil, from which your Lordship will learn that my Ministers, gnizing the advisability of a more expeditious settlement of the ter than would appear possible were the point in dispute left to be ded with the larger question of the Alaska boundary in which it is raced, recommend that measures for securing such a settlement ıld be concerted between Her Majesty's Government and the Gov-nent of the United States with as little delay as possible.
have forwarded a copy of this report to Her Majesty's Minister at hington.

I have, &c.,

(Signed) DUFFERIN.

ıe Right Honourable The EARL OF CARNARVON, &c., &c., &c.

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of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd November, 1875.

Committee of Council have had under consideration the despatch of the Right urable the Earl of Carnarvon to his Excellency the Governor General, trans-ıg a copy of a despatch from Her Majesty's Minister at Washington on the t of a settlement lately made by British subjects "at a point near the Stikine , alleged by American officers to be within United States territory and below ritish Custom House, which is also stated to be within the United States lary."
he discussion of this subject between Sir Edward Thornton and Mr. Fish, the suggested that, as the weight of the evidence seemed at present to be in favour

of the point in question being in United States territory, the settlers should be c upon to suspend operations for the present and until the question of territory c be decided.

In view of the circumstances represented by Mr. Fish, Her Majesty's Governr deemed it desirable that an officer should be sent by the Government of Canad of British Columbia to ascertain whether the settlement alluded to, and the Bri Custom House, are within British territory.

From the terms of the Treaty defining the International boundary between Al and the British possessions, that portion of it extending from the 56th degre north latitude to the point where it intersects the 141st degree of west longit follows the summits of the mountains which extend in a direction parallel to coast, and should these summits prove to be more than ten marine leagues from ocean, the line shall then be parallel to the windings of the coast, and shall n exceed a distance of ten (10) marine leagues therefrom.

The Stikine River intersects the International boundary in the vicinity of the degree of north latitude; with so intricate a basis for determining the true lin appears to the Committee that a satisfactory solution of the question can onl arrived at by accurately defining the point where the boundary intersects the Stil River, and as settlements are likely to increase along the banks of that river, it se to be obviously in the interests of both countries that the true line should be defi at this point without further delay.

The necessity for marking the boundary in other localities is not immedia pressing, but it is undoubtedly in the interests of both nations to encourage the se ment and development of the country in the vicinity of the Stikine, and the co ascertaining the point where the boundary intersects that river cannot be so ser as to warrant its postponement to an indefinite period.

The Committee would therefore recommend that the United States Governn be invited to join with the British Government in fixing the boundary at single point indicated, and that a copy of this Minute, if approved by Y
185 Excellency, be transmitted to the Right Honourable the Earl of Carnar with the request that, should the suggestion herein contained meet with approbation of Her Majesty's Government, the subject may be again brought u the notice of the United States Government, with the hope that it may be fav ably entertained.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Priry Counc

The Secretary of State of Canada to the Lieutenant Governor British Columbia.

DEPARTMENT OF THE SECRETARY OF STATE,
November 13, 1876

SIR: I have the honour to transmit to you herewith an extract fr a letter addressed to the Honourable the Minister of Public Works the Honourable Mr. Justice Gray, relative to the necessity of sc arrangement by which criminals may be transported from Cass through the Alaska territory, to the penitentiary or other place of prisonment at Victoria, Westminster, or elsewhere in British Colu bia; and to request that the views of your Government on the subj may be obtained and communicated at the earliest possible mom for the consideration of His Excellency the Governor General.

I have also to request that I may be furnished immediately wit full report of the trial referred to by Mr. Justice Gray, which is take place this month.

I have, &c.

(Signed) R. W. SCOTT

To His Honour The LIEUTENANT GOVERNOR OF BRITISH COLUMI *Victoria.*

tract from letter of Mr. Justice Gray, of Victoria, B. C., dated October 16. 1876, addressed to the Honourable Alexander Mackenzie.

'I have the honour to enclose the substance of some observations resulting from late Cassiar Assizes held by me, which, as affecting the interests of the Dominion, my return I addressed to Mr. Richards, the Lieutenant Governor of this Province, information of the Government at Ottawa; but which, after consideration, he ught it advisable I should send direct to yourself.

They arise entirely out of the question of international right in the Alaska territory. The first as to the necessity of some arrangement by which criminals may be sported from Cassiar through that territory to the penitentiary or other places of risonment at Victoria, Westminster, or elsewhere.

Except by the Stikine, fifteen miles of which, near the mouth, will, undoubtedly, n American territory, even after the settlement of the boundary line, but thirty es of which is now treated as within the colonial line, there is, at present, no le of communication other than through 600 miles of unbroken forest, rendering transportation of a criminal almost an impossibility. A question has already en from an attempt at escape, and a murderous assault made on the constable, ing been in charge, by a prisoner sentenced at the late assize, while *in transitu* ain the thirty miles near the mouth, upon the ground of its being American ter- ry and he being an American citizen. Many desperate American characters col- at the mines. They are thoroughly aware that they cannot be sent to a place of ishment except by passing through this territory, and the administration of jus- will practically cease in that gold-producing district unless the right of transit is ntained or secured.

The original right of free navigation under the Russian Convention, 1825, may aps be considered as restricted by the terms used in the Alabama Treaty, limit- the navigation to the purposes of commerce only.

I express no opinion on this point, as it will come up on the prisoner's trial in ember next for the assault before mentioned."

Sir E. Thornton to the Earl of Dufferin.

36.]

WASHINGTON, *November 6, 1876.*

[Y LORD: I have the honour to submit herewith to your Excellency y of a note addressed to me by Mr. Fish, relative to one Peter tin, who is stated to have assaulted one of two constables who were harge of him within the territory of the United States, for which nce it is supposed that he will be committed in British Columbia, that a true bill will be found against him by the grand jury.

r. Fish seems to be of opinion that, as the offence was committed ain the jurisdiction of the United States, Martin ought not to be l for it, but should be set at liberty.

shall feel obliged if your Excellency will cause inquiries to be e into the matter, and such steps taken as may be proper.

I have, &c.

(Signed) EDWARD THORNTON.

is Excellency The EARL OF DUFFERIN, K. P., G. C. M. G., K.C. B. &c., &c.

[Copy.]

Mr. Fish to Sir E. Thornton.

DEPARTMENT OF STATE,
Washington, November 2, 1876.

R: I have the honour to invite your attention to a case which has ntly been reported to this Department by the Consul of the United es at Victoria, British Columbia.

It appears that one Peter Martin, who is said to be a natural citizen of the United States, and formerly a resident of Washin Territory, was, on the 6th of September last, tried before the C of Assizes, held at Laketon, Cassiar, Province of British Colun upon true bills found by the grand jury, alleging assault upo officer in the execution of his duty, prison breach and escape f custody; he was found guilty and sentenced to fifteen monts im onment in the jail at Victoria. The prisoner was in the custod constables, and the route travelled through Alaska was by canoe Stikine River. On the 12th of September they made a landing point on that river, only a few miles from its mouth, within the ritory of Alaska, for the purpose of cooking food; while thus enga the prisoner, although manacled, by some means obtained posses of a loaded shot-gun and made a deadly assault upon Francis Bee one of the constables, at whose hands it is alleged the prisoner suffered indignities. He was, however, overpowered, and at conveyed to Wrangel Harbour, where he was placed on board British steamer *Grappler* and taken to Victoria.

It further appears, from what has been intimated to the Consul, Martin will be fully committed for this assault, and that his case be given to the grand jury, when a true bill will most likely be fo against him, and that the case will then come up in the Supreme C some time during the present month.

From the facts presented in this case, it is suggested that the pe in question should not be tried for the offence with which he is char it having been committed, as is reported, within the jurisdiction of United States, and that such being the case he should be set at libe

I will, therefore, thank you, at your early convenience, to call attention of Her Majesty's proper authorities to the matter, in o that a thorough examination of the facts in the case may be made

I have, &c.

(Signed) HAMILTON FIS

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &

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187. *The Earl of Dufferin to Sir E. Thornton.*

No. 40.] OTTAWA, *November 10, 187*

SIR: I have the honour to acknowledge the receipt of your despa No. 36, of the 6th instant, submitting a copy of a letter from the Se tary of State of the United States, relative to one Peter Martin wh stated to have committed an assault on constables who were in ch of him, within the jurisdiction of the United States, for which off it is supposed he will be tried in the Province of British Columbia

In reply I beg to acquaint you that I have directed inquiries t made into the circumstances of the case, the result of which wil communicated to you for the information of Mr. Fish.

I have, &c.

(Signed) DUFFERI

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

The Secretary of State of Canada to the Lieutenant Governor of British Columbia.

DEPARTMENT OF SECRETARY OF STATE,
November 1[illegible] 1876.

SIR: I have the honour to transmit to you herewith, a copy of a spatch from Her Majesty's Minister at Washington, and of the note the Secretary of State of the United States therein referred to, relve to one Peter Martin, said to be a naturalized citizen of the United ıtes, against whom proceedings are alleged to have been, or to be, ten in British Columbia in respect of a crime committed within the ritory of the United States.

As the administration of Justice rests with the local authorities, it ms proper that these allegations contained in these documents should presented for the consideration of your Government, and I have to uest that they may make and transmit to me for the information of s Excellency the Governor-General, such observations thereon as y occur to them.

. have also to request that I may be furnished with a full report on proceedings which have taken place, and which may hereafter take ce in reference to this matter.

I have, &c.

(Signed) R. W. SCOTT.

o His Honour
The LIEUTENANT-GOVERNOR OF BRITISH COLUMBIA, *Victoria.*

The Earl of Dufferin to Sir E. Thornton.

47.] OTTAWA, *November 25, 1876.*

IR: With reference to previous correspondence on the subject of determination of the boundary line between British Columbia and ska, I have the honour to enclose herewith, for your information, py of a Minute of my Privy Council, a duplicate of which I am smitting to the Earl of Carnarvon.

I have, &c.

(Signed) DUFFERIN.

he Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

The Earl of Dufferin to the Earl of Carnarvon.

257.] OTTAWA, *November 25, 1876.*

Y LORD: I have the honour to enclose herewith a copy of a Minute ay Privy Council, from which your Lordship will learn that my isters are anxious that immediate steps should be taken for the ection of the rights of British settlers at a point on the Stikine r, and for the commencement of proceedings to settle the matter ispute.

I have, &c.

(Signed) DUFFERIN.

ıe Right Honourable The EARL OF CARNARVON, &c., &c., &c.

Copy of a Report of a Committee of the Honourable the Privy Council, approved b Excellency the Governor General in Council on the 21st November, 1876.

The Committee of the Privy Council have given their attentive considerati the Memorandum hereunto annexed, from the Honourable Mr. Mackenzie, h reference to the desirability of having a complete or partial determination o boundary line between British Columbia and Alaska, and they respectfully su their concurrence therein, and advise that a copy thereof, and of this Minut transmitted to the Right Honourable Her Majesty's Secretary of State fo Colonies.

(Certified.)

(Signed) W. A. HIMSWORTH, *Clerk, Privy Coun*

The Honourable The MINISTER OF THE INTERIOR, &c., &c., &c.

(*Memorandum.*)

The Undersigned begs to state, for the information of Council, that, notwithst ing every effort which has been made by the Canadian Government to obt complete, or even partial, designation of the boundary line between Alaska British Columbia, that question still remains undealt with in consequence o refusal of the United States Government to take the measures necessary for app ing a Joint Commission.

An Order in Council was passed, on the 20th September, 1872, calling attenti the representations of the Legislative Assembly of British Columbia on this ques and praying that Her Majesty's Government would take the necessary steps to the boundary determined and marked.

In a letter, addressed by the Under Secretary of State for the Colonies t Foreign Office under date of the 14th October, 1872, Lord Kimberley expres concurrence in the desirability of having the boundary established.

Sir Edward Thornton, in a despatch dated 18th November, 1872, reporte result of his communication with Mr. Fish, the Secretary of State at Washin and stated, that while Mr. Fish was perfectly satisfied of the expediency of s measure, he felt Congress would be unwilling to grant the necessary funds fo purpose. In the same despatch, Sir Edward Thornton stated that he had again Mr. Fish, two days afterwards, and had been informed by him that he had t over the matter with the President, who was so impressed with the adva
189 of having the boundary laid down at once, that he had expressed hims disposed to recommend Congress, in his next Message, at its opening, th should be authorised to appoint a Commission for that purpose.

In a subsequent despatch, dated 25th November, 1872, Sir Edward Thornton s that Mr. Fish had informed him, on the 22nd of that month, that the Presiden determined to recommend in his Message to Congress, at its opening, that he sh be authorised to appoint a Commission on the part of the United States for la down this boundary in concert with a Commission appointed by Her Maje Government.

The Canadian Government, on the 27th January, 1873, passed an Order in Co informing Her Majesty's Government that Canada would bear half of the B expenditure to be incurred, in accordance with the suggestion which had been by the Colonial Office.

On the 23rd December, 1872, Sir E. Thornton transmitted copies of a Bill w had been submitted to the House of Representatives for the appointment of su Commission; but on 15th February, 1873, Sir E. Thornton again wrote that Mr. had informed him, in the presence of Admiral Prévost, three days before, th had received from the Engineering Department a detailed report of the estim expenditure of the Survey on the part of the United States, and of the time it w occupy, and that the cost was estimated at about one and a half million of do and that the Survey could not be completed in less than nine years; that Mr. had further stated that the Department had expressed the opinion that unde present circumstances of the two countries it would be quite sufficient to decid some particular points, and the principal of these, they suggested, should be the of the Portland Canal; the points where the boundary line crosses the Rivers S Stikine, Taku, Iselcat and Chelbraht, Mount Elias and the points where the degree of west longitude crosses the Rivers Yukon and Porcupine; that Mr. Fish also stated that the Engineering Department had expressed the opinion tha

termination of these points alone would occupy three years in the field, besides e year in the office, and would involve an outlay by the United States of half a illion dollars; and that Mr. Fish had added, that he believed it would be impossible r Congress, during the then Session, to take into consideration the Bill mentioned, account of the pressure of important business, and that he even doubted whether ngress would ever be induced to vote so large a sum as was deemed necessary to lay wn the boundary, and hardly the amount required to carry out his second suggestion.

On the 19th March, 1873, Lord Kimberley transmitted a letter from the Foreign fice commenting upon the above communication from Mr. Fish, and suggesting at an estimate should be procured, from reliable authorities, of the probable cost d the time required for carrying out the objects of the Commission.

The Canadian Government, on 5th December, 1873, passed a Minute of Council, recting Captain Cameron, the Commissioner of the North-Western Boundary, to pare and transmit an estimate. Captain Cameron solicited, for this purpose, copies the maps accompanying the negotiations of the Treaty of 1825 between Russia and eat Britain, and also the letter of the Engineering Department of the United States, erred to by Mr. Fish.

Lord Tenterden, Under Secretary for Foreign Affairs, in a letter dated 29th Janu-, 1874, informed the Colonial Office that copies of the documents required had n sent to Captain Cameron, through Her Majesty's Legation at Washington; and t Sir Edward Thornton had been instructed to ask the United States Government hey had any objections to furnish a copy of the Report referred to as drawn up by Engineering Department.

No further action appears to have been taken in the matter by either Governments, il October, 1875, when, on the 22nd of that month, Lord Carnarvon called the ntion of His Excellency the Governor-General to a despatch from Her Majesty's nister at Washington, reporting a conversation had with Mr. Fish, in which Mr. Fish complained of the settlement of British subjects at a point on the Stikine River, claimed by the United States officials to be within United States territory; and that Mr. Fish had asked Sir Edward Thornton what he thought ld be done to settle the question of jurisdiction. Sir Edward Thornton had replied t the occurrence referred to proved the wisdom of the recommendation of Her jesty's Government that no time should be lost in laying down the boundary ween the two territories; and that he could see no way of deciding the question ept by sending officers, on behalf of each country, to take observations and deter-e on whose territory the new settlers had established themselves; observing her, that when the question of laying down the boundary was discussed two rs before, it was suggested by Mr. Fish himself that, if the whole Survey could be made, the points where the territories met could be fixed on the rivers which through both of them.

Mr. Fish had not disputed the wisdom of this opinion, or the statement of fact, had again expressed his fear that it would be difficult to obtain the necessary at during the next Session of Congress, and had suggested that, as the weight of lence seemed, at present, to be in favour of the point in question being within ted States territory, the settlers should be called upon to suspend operations for present until the question of territory could be decided.

On the 23rd November, 1875, a Minute of Council was passed referring to these communications between Mr. Fish and the British Minister at Washington, in which it stated that the necessity for marking the boundary in other localities than the ine was not immediately pressing, but that it was undoubtedly in the interest of nations to encourage settlement and development in the vicinity of the Stikine, that the cost of ascertaining the point where the boundary intersects that river d not be so serious as to warrant its postponement to an indefinite period; and, her, recommending that the United States Government be again invited to join the British Government in fixing the boundary at the single point indicated.

On the 29th November, 1875, Sir Edward Thornton acknowledged the receipt of Minute of the 23rd of that month, and stated that he would await instructions Her Majesty's Government before again calling the attention of the United es Government to the subject.

On the 17th February, 1876, Lord Carnarvon transmitted a copy of a letter from Edward Thornton, dated 24th January, 1876, in which Sir Edward Thornton rmed His Lordship that he had again urged upon Mr. Fish the expediency of Alaska boundary line being surveyed, and finally settled by an International mission, or, at least, of deciding upon the point where the boundary meets the ine River, and that Mr. Fish had replied that neither of these matters could be ied out without a very great outlay for the whole boundary, and some expense he single point on the Stikine, and had further declared his conviction that at

that moment it would be useless to apply to Congress for any amount whatever for such purpose.

No further effort appears to have been made by the United States Government to comply with the reasonable request made by the Imperial and Canadian Governments, but the subjoined report from a Dominion official in British Columbia shows that specific instructions have been issued by the Secretary of the Treasury, at Washington, to a local officer, which, if carried out, may seriously complicate existing arrangements, and defeat the expectations of an early settlement.

It will be observed that the United States Government have, through the official alluded to, intimated their intention, immediately after the opening of the river next spring, of treating certain places as United States territory, by taking proceedings against Canadian settlers who may remain in such localities, for the collection of United States customs duties on goods in their possession.

It is important that a representation of these facts should be made immediately to Her Majesty's Government, so that the rights of British subjects, as they now exist, may be maintained inviolate in that quarter, pending a determination of the boundary line by the joint authority of the two nations.

191 From the narrative contained in the present paper it will be seen that Her Majesty's Government and the Dominion Government have respectively taken the promptest action to have the boundary defined, and that it is wholly the fault of the United States Government that it has not been so defined, particularly at the point now in controversy.

It seems very remarkable that while the United States Government should have hitherto refused or neglected to take proper steps to define the boundary, they should now seek to establish it in this manner in accordance with their own views, without any reference to British authorities, who are equally interested in the just settlement of the international boundary.

The undersigned recommends that Her Majesty's Government should again request the United States Government to join in a Joint Commission to determine on the point where the boundary intersects the Stikine River, and such other points of those mentioned by Mr. Fish in his communication to Sir Edward Thornton in February, 1873, as may be considered advisable, and that in the meantime the *status quo* should be maintained.

(Signed) A. MACKENZIE.

Mr. Justice Gray to the Hon. A. Mackenzie.

VICTORIA, BRITISH COLUMBIA, *October 16, 1876.*

SIR: I have the honour to enclose the substance of some observations resulting from the late Cassiar Assizes held by me, which, as affecting the interests of the Dominion, on my return I addressed to Mr. Richards, the Lieutenant Governor of this Province, for the information of the Government at Ottawa, but which, after consideration, he thought it advisable I should direct to yourself.

They arise entirely out of the question of international right in the Alaska territory.

The first, as to the necessity of some arrangement, by which criminals may be transported from Cassiar, through that territory to the penitentiary or other place of imprisonment at Victoria, Westminster, or elsewhere.

Except by the Stikine, fifteen miles of which, near the mouth, will undoubtedly be in American territory, even after the settlement of the boundary line, but thirty miles of which is now treated as within the conventional line, there is, at present, no mode of communication other than through six hundred miles of unbroken forest, rendering the transportation of a criminal almost an impossibility.

A question has already arisen from an attempt at escape, and a murderous assault made on a constable having him in charge, by a prisoner sentenced at the late assizes, while *in transitu* within the thirty miles near the mouth, upon the ground of its being American territory, and

s being an American citizen. Many desperate characters collect at
ıe mines. They are thoroughly aware that they cannot be sent to a
lace of punishment except by passing through this territory, and the
lministration of Justice will practically cease in that gold-producing
strict, unless the right of transit is maintained or secured.

The original right of free navigation under the Russian Convention
1825, may perhaps be considered as restricted by the terms used in
e Alabama Treaty, limiting the navigation to the purposes of com-
erce only.

I express no opinion on this point, as it will come up on the prison-
's trial in November next for the assault before mentioned.

But the other and more important point is that of the boundary
ıe between Alaska and British Columbia. To understand how this
affects the Dominion I would observe that about two miles above
2 the conventional point on the Stikine (agreed upon in 1875, by
the Custom House authorities of the United States and ours,
nding the final settlement) is a trading station called "Bucks," up
this time recognised and treated as admittedly within British
rritory.

To this place goods paying duties to the Dominion are carried, and
this place the Indians along the coasts of Alaska and British Colum-
ı, both resort for purposes of purchase and trade.

From old associations the Indians regard a Hudson Bay Company's
ınket as a unit of value, and regulate sale of their furs by it.

Mr. Choquette, whose place is called "Bucks," told me in one day
ne he had several times sold 1,200 blankets to a single Indian in
rter, and that the trade with them is very large. They are good
ıtomers, have plenty of gold, and very large canoes, quite sea-boats,
rying many tons burden, and forty or fifty people. They prefer
ıling in accordance with their old habits in Hudson Bay and British
ods, to dealing in American goods at Sitka and Fort Wrangel, pass-
by the latter places, though the goods there of American manu-
ture are equally available. The extent of Mr. Choquette's business,
l the extent of duties paid to the Dominion through his business,
y in some measure be estimated from the fact that with one firm
ne, Findlay, Durham & Brodie, in Victoria, his purchase of British
ods amounts to $25,000 annually.

n addition to the duties incidentally paid on goods for the Cassiar
trict at Victoria and elsewhere during the present season, which
ods are estimated to have exceeded in value $260,000, the duties
ectly collected at Glenora, the Custom House station on the Stikine,
ing the season of 1875 and 1876 amount to $9,984.48.

ıs a general rule, the sea-coast Indians do not pass "Bucks," the
er Indians taking the canoeing up the river.

t is the object of the American Custom House authorities to kill
trade, and force the Indians to deal in American goods at Wrangel
Sitka.

have been informed that those authorities are paid by commission,
therefore have a personal as well as national interest to serve; but
his point I have no personal knowledge. While waiting at Wrangel
the ocean steamer, I learnt that the United States Collector of
toms at Sitka, the head of the department in Alaska, with the
ction of his Government, had sent an official notification to Cho-
tte to remove from his station or pay American duties on his stock,

giving him until the spring of 1877 to obey. A copy of the off notification, which I have since obtained, I have the honour to encl If this assumption of possession, which in the mining language of country is called "jumping," can be carried out, the Dominion lose a great portion of the duties arising from the supplies to the rap increasing mining region at Cassiar.

With reference to the boundary itself, I beg permission to lay be you the impressions made by local examination as I passed up river.

The Russian Convention of 1825 places it on the summit of the c range of mountains, when within ten marine leagues, and when range is not within ten marine leagues, then at the ten marine leag from the coast; but under no circumstances further in the interior

Nature seems to have left no doubt where the line indicated is t formed.

The Coast range rises immediately from tide waters, and the sum of that range is within fifteen miles of the sea.

This is proved by the fact that in following up the valley of Stikine we pass the axis of the range; at fifteen miles from the c to this distance from the sea the course of the river bears easte *thence rounding the range in question, northerly, receiving* four or glaciers, which flow in an *easterly* direction from the summit of range into the valley of the Stikine.

Thus the present action of the Collector of Customs at Sitka, a from all question of international courtesy, after a conventional bou ary had been agreed to and acted upon, is, I venture to beli entirely unauthorised by the Treaty.

193 The mineral wealth of that country is but commencing t known. The return in gold in the present short season f June to November (for the work does not commence until well o June, and terminates by the end of October) will be at least $1,500,(and the consumption of dutiable goods up there in a few years wil very great.

Of course, I made no observations on the subjects herein refe to, but simply determined to place the information before the Gov ment on my return.

Trusting that you will not think I have overrated its importanc overstepped the line of duty,

I have the honour to be, Sir, your obedient servant,

(Signed) J. H. GRAY.
Judge, Supreme Court of British Columbi

The Honourable ALEX. MACKENZIE, M. P., &c.
Premier, Ottawa.

The Lieutenant Governor of British Columbia to the Secretary State of Canada.

No. 22.] BRITISH COLUMBIA, GOVERNMENT HOUSE,
December 4, 187

SIR: I have the honou. to acknowledge the receipt of your desp of the 13th ultimo, enclosing an extract from a letter addressed to Hon. the Minister of Public Works by the Hon. Mr. Justice Gray

ıe subject of conveying criminals from Cassiar through Alaska to ıher parts of the Province, and to inform you that the same has been ıferred to my advisers.

I have, &c.

(Signed) A. N. RICHARDS.

To the Honourable The SECRETARY OF STATE FOR CANADA, *Ottawa.*

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he Lieutenant Governor of British Columbia to the Secretary of State of Canada.

o. 23.] BRITISH COLUMBIA, GOVERNMENT HOUSE, *December 5, 1876.*

SIR: I beg to acknowledge the receipt of your despatch of the 15th timo, transmitting a copy of a despatch from Her Majesty's Min-ıer at Washington, and of a note of the Secretary of State for the nited States of America, relative to Peter Martin, against whom oceedings may be taken here for a crime committed within Alaska, d to inform you that the same, with its enclosures, has been referred the Exective Council of the Province.

I have, &c.

(Signed) A. N. RICHARDS.

The Honourable The SECRETARY OF STATE FOR CANADA, *Ottawa.*

Sir E. Thornton to the Earl of Dufferin.

). 46.] WASHINGTON, *December 8, 1876.*

MY LORD: With reference to my despatch, No. 36, of the 6th ;imo, relative to one Peter Martin, who is stated to have assaulted one of the constables who were in charge of him, within the ter-ı ritory of the United States, I have the honour to enclose a copy of a further note and of its enclosure which I have received ›m Mr. Fish tending to show that there is no doubt that Peter ıartin was being conveyed as a prisoner through United States ter-ory.

I have, &c.

(Signed) EDWARD THORNTON.

His Excellency The EARL OF DUFFERIN, K. P., G. C. M. G., K. C. B., &c., &c., &c.

Mr. Fish to Sir E. Thornton.

DEPARTMENT OF STATE, *Washington, December 6, 1876.*

SIR: Referring to my note of November 2nd, respecting the case of ter Martin, who, while being transported through American terri-y, had made an assault upon his custodians, and had thereupon been ıaigned for the same. I have the honour to inform you that I have ›n furnished with a copy of a communication addressed by Mr. J. B.

Lovell, said to be a Justice of the Peace, to Captain Jocelyn, an of
of the United States Army, commanding at Fort Wrangel, Ala
bearing date Glenora, Cassiar, British Columbia, September, 187
which it is stated that the "absence of any jail here or secure plac
imprisonment necessitates sending him (Peter Martin) through as s
as possible, and I hope you will excuse the liberty we take in forw
ing him through United States territory without special permissi
A copy of this communication I herewith enclose. It would ap
thereby that there was no doubt as to the fact of transmission of
prisoner through the territory of the United States, and that the p
ence of the prisoner upon American soil arose from no mistake,
from the intentional act of Colonial authorities in so transporting h

I should be glad to be advised of any information concerning
case which you may receive, and have felt it my duty to transmi
you this further information.

I have, &c.

(Signed) HAMILTON FIS

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &

Mr. Lovell to Captain Jocelyn.

GLENORA, CASSIAR, B. C., *September —, 187*

DEAR SIR: I have received advice from A. W. Vowell, Esq.,
pendiary Magistrate for the district, saying that a prisoner na
Peter Martin, who has been sentenced to a term of imprisonment
the Supreme Court, is being conveyed by constables to Victoria,
requesting me as one of Her Majesty's Justices of the Peace, t
what I can to have him conveyed safely.

The absence of any gaol here, or secure place of imprisonment, ne
sitates sending him through as soon as possible, and I hope you
excuse the liberty we take in forwarding him through United St
territory without special permission.

The prisoner is in charge of constables under sealed orders from
Supreme Court, and anything you can do to facilitate and secure
safe passage to Victoria will be highly appreciated.

I have, &c.

(Signed) J. B. LOVELL, J.

Captain JOCELYN,
Officer Commanding, Fort Wrangel, Alaska.

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195 *The Secretary of State of Canada to the Lieutenant Governo
British Columbia.*

DEPARTMENT OF SECRETARY OF STATE, *December 21, 187*

SIR: With reference to my letter of the 15th ultimo, and
enclosures, I have the honour to transmit to you herewith, for
information of your Government, a copy of a despatch from
Majesty's Minister at Washington, covering a copy of a letter f
the Secretary of State of the United States, and its enclosures, as
ther bearing on the case of the prisoner Peter Martin, to which

ntion of your Government was invited in my communication above
rred to.
have again to request that any information that can be given on
subject may be communicated at the earliest possible moment.
I have, &c.

(Signed) R. W. SCOTT.

is Honour the LIEUTENANT GOVERNOR OF BRITISH COLUMBIA,
toria.

DEPARTMENT OF SECRETARY OF STATE, *December 21, 1876.*

R: Adverting to the despatch of Her Majesty's Minister at Wash-
on, of the 8th instant, and its enclosure, on the subject of the
ed proceedings about to be taken in British Columbia against one
r Martin, for an offence said to have been committed within the
itory of the United States. I am directed to request that Sir E.
nton may be informed that immediately upon the receipt of his
atch of the 6th ultimo, and its enclosure, relative to the case of
tin, steps were taken to obtain information on the subject from
ocal authorities; that his present communication has been trans-
ed to the same authorities, and that they have been requested to
municate the fact, for the information of His Excellency, at the
est possible moment.
I have, &c.

(Signed) E. J. LANGEVIN.

the GOVERNOR GENERAL'S SECRETARY.

The Earl of Carnarvon to the Earl of Dufferin.

da—No. 13.] DOWNING STREET, *January 9, 1877.*

r LORD: I have received your despatch, No. 257, of the 25th
mber, forwarding a Minute of the Privy Council of the Domin-
calling attention to certain recent proceedings on the part of the
ed States Customs Authorities in Alaska, and requesting that Her
sty's Government will again urge the United States Government
in in a Joint Commission to determine on the point where the
dary between United States and British territory intersects the
ne River and on such other points in the boundary line as may be
dered advisable, and that, in the meantime, the *status quo* in those
ns should be maintained.
I have been in communication with the Secretary of State for
ign Affairs on the subject, and I enclose a copy of the correspond-
which has passed between us, which will inform you of the
e of the representation which Sir E. Thornton has been instructed
to make to the United States Government.

3. In the meantime, however, as the cost of constituting an International Commission for fixing the boundary line appears to e main obstacle to a settlement of the question, I should be glad to formed if your Government can form any estimate of what would e cost of fixing the boundary on the Stikine River only.
I should also be glad to be informed if any agreement exists in

writing between the United States authorities in Alaska and the Ca
dian authorities as to what should be considered to be the conventic
boundary line in the Stikine River.

I have, &c.

(Signed) CARNARVON

Governor General The Right Honourable The EARL OF DUFFEI
K. P., G. C. M. G., K. C. B., &c., &c., &c.

Colonial Office to the Foreign Office.

DOWNING STREET, *December 22, 187*

SIR: With reference to previous correspondence respecting
boundary line between British Columbia and Alaska and the neces
for steps being taken for the determination of that line, or at leas
certain points in it, I am directed by the Earl of Carnarvon to tr
mit to you, to be laid before the Earl of Derby, a copy of a desp
from the Governor General of Canada forwarding a further Minut
the Dominion Privy Council on the subject.

2. From the papers which accompany the Minute, it appears
an order has been issued by the United States Collector of Custom
Sitka, acting under instructions from the Secretary of the Treas
at Washington, to the effect that a place called "Bucks," on
Stikine River, which is stated to be about two miles within the
ventional boundary line and hitherto to have been recognised
treated as British territory, will, after the opening of navigation
spring, be treated as United States territory. It further appears
a British trader residing at Bucks has been warned by the Un
States Collector of Customs that foreign goods there must eithe
removed next spring, or duty paid upon them to the United Sta
or they will be seized.

3. The attention of the Dominion Government having been ca
to these proceedings, they request that Her Majesty's Governn
will again urge the United States Government to join in a Joint C
mission, to determine on the point where the boundary intersects
Stikine River, and on such other points in the boundary line as
be considered advisable, and that in the meantime the *status quo* sh
be maintained.

4. They further request that Her Majesty's Government will take
steps as will ensure that the rights of British subjects, as they now e
in that region, may be maintained inviolate, pending a determina
of the boundary line by the joint authority of the two nations.

5. In laying these papers before Lord Derby, I am to request
you will state to him that Lord Carnarvon is anxious that immed
action should be taken, and I am to add that, in His Lordship's opin
if the United States Government cannot, for political reasons, a
to steps being taken for a settlement of the boundary line, as app
to be the case from the despatch from Sir E. Thornton enclosed in
letter of the 8th February last, they are, at least, bound to agre
some arrangement, or *modus vivendi*, by which no fresh claim inj
ous to either party is raised or strengthened.

I am, &c.

(Signed) R. G. W. HERBER

The UNDER SECRETARY OF STATE, FOREIGN OFFICE.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, *December 30, 1876.*

IR: I am directed by the Earl of Derby to acknowledge the receipt
our letter of the 22nd instant, together with its enclosures relative
to the Alaska boundary question, and I am to state to you, in
reply, for the information of the Earl of Carnarvon, that a copy
thereof has been sent to Her Majesty's Minister at Washington,
has been instructed to bring the matter to the notice of the United
es Government in the sense of your letter. I am to suggest to
, for the consideration of the Earl of Carnarvon, that it might be
sable to cause inquiries to be made as to the cost which would be
rred in determining the point where the boundary line crosses the
ine River, as this seems to be the principal point to get settled.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

ıe UNDER SECRETARY OF STATE, COLONIAL OFFICE.

4.] *The Earl of Dufferin to Sir E. Thornton.*

OTTAWA, *January 10, 1877.*

R: With reference to your despatch, No. 43, of the 6th December
in which you express a desire to be furnished with further infor-
on in regard to the unsettled boundary line between British Colum-
nd Alaska, I have the honour to enclose herewith a copy of a Minute
y Privy Council covering communications from Custom House
orities in British Columbia.

I have, &c.

(Signed) DUFFERIN.

e Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

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of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 6th January, 1877.

Committee of Council have had under consideration the letters addressed to
on. the Minister of Public Works by Mr. Justice Gray and Mr. W. Hamley,
n House Officer at Victoria, with enclosures therewith, and recommend that
of the letters and plan be transmitted by Your Excellency to Sir Edward
ton.

Committee observe that reference is made in the letter of Mr. Justice Gray, to
entional boundary said to have been agreed to and acted upon near Sitka; as
vernment of Canada have never received any communication of a conventional
ary having been agreed upon, it may be assumed that the local authorities, for
l convenience, had adopted a line, but it does not appear that any official com-
ıation was ever made to the Government of Canada on the subject.
ified.

W. A. HIMSWORTH, *Clerk, Privy Council.*

Sir E. Thornton to the Earl of Dufferin.

.] WASHINGTON, *January 11, 1877.*

LORD: With reference to my despatches, No. 36, of the 6th
nber last, and No. 46, of the 8th ultimo, I have the honour to
e copy of a further note which I have received from Mr. Fish,

relative to the case of Peter Martin, who has recently been trie British Columbia for an assault, committed as the United St authorities allege, within the territory of the United States, in Ala but who was certainly taken through United States territory, by Stikine River, in the custody of constables.

With regard to the latter incident, I beg to refer to the cas Samuel Joy, which is somewhat similar to that of Peter Martin, about whom I had a correspondence with Your Excellency in Au and September, 1873. Joy had been taken in custody from Brunswick through a portion of the State of Maine, and was su quently discharged from custody on that account.

I have, &c.

(Signed) EDWARD THORNTO

His Excellency The EARL OF DUFFERIN, K. P., G. C. M. G., K. C. &c., &c., &c.

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198 *Mr. Fish to Sir E. Thornton.*

DEPARTMENT OF STATE,
Washington, January 10, 187

SIR: Referring to the correspondence which has taken place cerning the case of Peter Martin, held in custody in British Colun and particularly to my notes of the 2nd November and the 6th De ber last, I have now the honour to inform you that a despatch has received from the Consul of the United States at Victoria, dated December, stating that Martin had been brought to trial for the as charged against him, in a Court of Assize held at Victoria, on the December, ultimo, before the Hon. P. P. Crease, a Justice of Supreme Court of the Province, and had been found guilty and tenced to one year and nine months imprisonment at hard labou take effect after the expiration of the term of imprisonment of fi months to which he was sentenced in September last.

The Consul, who was present at the trial, states that two witne who were on the spot at the happening of the occurrence, test that the assault occurred in what is considered to be Alaska t tory; one locating the point near the Stikine River, eight or ten from its mouth, the other at a distance of some ten or twenty from its mouth, and that the Judge in charging the jury, referr some length to the point of jurisdiction, and to the fact that a que had been raised by this Government concerning the right of a C in the Province to try the prisoner for an offence committed in Al and to correspondence between the two Governments; but state the jury that he would entirely disembarrass them on that poin saying that no evidence had been produced, or could be produce show that the offence for which the prisoner was on trial was committed in Alaska, as the boundary between the two countries o Stikine River remained undetermined, and no line of demarc existed showing how far up that river American territory act extends—whether it was five miles, ten miles, or thirty miles and under these circumstances the Court had jurisdiction or concu jurisdiction, and that the proceedings in trying the prisoner were and proper.

ı the note originally addressed to you under date of 2nd November,
as suggested that if it appeared that the assault was committed
ıin the territory of the United States, Martin could not properly
ried for the offence with which he was charged, and that he should
et at liberty, and I had the honour to request that you should call
attention of Her Majesty's proper authorities to the case, that an
nination of the facts might be made before the case was disposed of.
he facts were laid before you, and while no unneccessary promi-
ɔe was given to the violation of the sovereignty of the United States
ɔh had taken place, it was confidently hoped that before Martin
placed on trial for the new charge, or before any proceeding had
ı taken to continue his imprisonment on the former one, the facts
ld have been carefully examined by the Colonial authorities, and a
:lusion reached as to what course should properly be taken in view
he rights of Martin and of the sovereignty of the United States
ɔh it was stated had been invaded, and it is a matter of regret that
ɔr the circumstances the Court, with apparent knowledge of the
ɜ, should have proceeded with the trial, and have sentenced the
ɔner, and assumed to decide questions having a serious bearing on
rights and jurisdiction of the two countries. Moreover, the posi-
assumed by the learned Judge who presided at the trial, if rightly
ɔrted, seems to be such as I feel quite confident will not be sustained
ıer Her Majesty's Government.

ıe absence of a line defined and marked on the surface of the earth
ıat of the limit or boundary between two countries cannot confer
ı either a jurisdiction beyond the point where such line should in
be. That is the boundary which the Treaty makes the boundary;
eys make it certain and patent, but do not alter rights, or change
tful jurisdiction.

may be inconvenient or difficult in a particular case to ascertain
ther the spot on which some occurrence happened is or is not beyond
ɔoundary line; but this is simply a question of fact, upon the deci-
of which the right to entertain jurisdiction must depend.

have the honor, therefore, to ask again your attention to the sub-
ject, and to remark that if, as appears admittedly to be the fact,
the Colonial officers, in transporting Martin from the place at
which he was convicted to his place of imprisonment *via* the
ine River, did conduct him within and through what is the unques-
ıble territory of the United States, a violation of the sovereignty
e United States has been committed, and the recapture and removal
ıe prisoner from the jurisdiction of the United States to British
was an illegal, violent, and forcible act, which cannot justify the
equent proceedings whereby he has been, is, or may be restrained
s liberty.

ıave, therefore, to express the hope that if Her Majesty's authori-
find the fact to be as it is represented, that Martin was conducted
ıe officers having him in custody into and through the territory
laska, being part of and within the jurisdiction and sovereignty of
Jnited States, he be set at liberty.

must not allow this question to pass without entering an explicit
ınt from the doctrine which seems to be advanced by the learned
ge who presided at the trial of Martin, that jurisdiction, or con-
ent jurisdiction, vests in Her Majesty's Colonial authorities or

Courts over offences committed within any part of the territory Alaska, even though so near to the Treaty line that uncertainty doubt may exist on which side of such line the offence is committ

It cannot, I think, be necessary to argue this point, or do more t record this dissent and denial of a doctrine which, I have no dou Her Majesty's Government agrees with me in repudiating.

I have, &c.

(Signed) HAMILTON FISH

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c

The Earl of Dufferin to Sir E. Thornton.

No. 7.] OTTAWA, *January 19, 187*

SIR: I have the honour to acknowledge the receipt of your despa (No. 5) of 11th January, relative to the case of Peter Martin, an inform you that my Government have called upon the proper auth ties in British Columbia for a report on the circumstances referre by Mr. Fish, of which I shall not fail to put you in possession as s as I am enabled to do so.

I have, &c.

(Signed) DUFFERI

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c

[Telegram.]

DEPARTMENT OF SECRETARY OF STATE,
Ottawa, January 24, 187

In case of Peter Martin, replies to despatches were expected be this. Have they been dispatched, and when? If not, forward t by first mail. Replies should contain fullest information with re ence to all proceedings at the time of writing.

(Signed) R. W. SCOTT, *Secretary of Stat*

To LIEUTENANT GOVERNOR, *British Columbia, Victoria.*

[Telegram.]

DEPARTMENT OF SECRETARY OF STATE,
Ottawa, January 24, 187

His Excellency requests immediately full report upon case of P Martin, including notes of evidence and all particulars of your cha to jury.

(Signed) R. W. SCOT

To Mr. JUSTICE CREASE, *Victoria, B. C.*

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200 DEPARTMENT OF SECRETARY OF STATE,
Ottawa, January 26, 187

SIR: With reference to my letters to you of the 15th Novem last and the 21st ultimo, and their respective enclosures, request information relative to the case of Peter Martin, I have the honou

e that replies to those communications have been expected before
time.
have, therefore, to request that, if not already despatched, your
lies may be forwarded by the first mail, and that they may contain
fullest information with reference to all the proceedings in the
at the date of your despatch.
have also to enclose a copy of a despatch from Her Majesty's Min-
r at Washington, and of the note of the Secretary of State of the
ted States therein enclosed in further reference to this case, and
equest that I may be furnished by return of mail, with such further
ervations as may occur to you, and such information as may be
lable upon the matters stated in the despatch and note.
I have, &c.

(Signed) R. W. SCOTT.

is Honour the LIEUTENANT GOVERNOR,
Victoria, British Columbia.

S.—A telegram to the following effect was sent to you yesterday.
Telegram to Lieutenant Governor, British Columbia.)

DEPARTMENT OF SECRETARY OF STATE,
Ottawa, January 26, 1877.

R: I have the honour to request that you will, at your earliest con-
ence, furnish me, for the information of His Excellency the
rnor General, with a full report upon the case of one Peter Mar-
ried before you in Victoria, for assault upon a constable on or
the Stikine River; such report to include the notes of the evi-
e and all particulars you can supply, and your charge to the jury
e occasion.
ave also to enclose, for your perusal, copies of certain notes of
Secretary of State of the United State in reference to this case,
respectively the 2nd November, the 8th December, and the 10th
nt; and to request that you will supply, by the first mail, such
er report and observations as you may be able to make after peru-
f these notes; and that you will intimate by telegraph, upon
pt of this letter, whether you have any further observations or
mation to communicate on the subject.
I have, &c.

(Signed) R. W. SCOTT.

n. Mr. JUSTICE CREASE, *Victoria, B. C.*

S.—A telegram to the following effect was sent to you yesterday.
Telegram to Mr. Justice Crease.)

The Earl of Dufferin to the Earl of Carnarvon.

9.] OTTAWA, *January 24, 1877.*

LORD: With reference to previous correspondence concerning
nsettled boundary between Alaska and British Columbia, I have
nour to enclose herewith to your Lordship a copy of a Minute
Privy Council, a duplicate of which I am transmitting to Her

Majesty's Minister at Washington for his information, from wh
your Lordship will learn the step which my Ministry propose to t
in the matter at present.

I have, &c.,

(Signed) DUFFERI

The Right Honourable the EARL OF CARNARVON, &c., &c., &c.

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201 *Copy of a Report of a Committee of the Honourable the P Council, approved by His Excellency the Governor Gener Council on the 19th January, 1877.*

On a Memorandum, dated 13th January, 1877, from the Hon. Mackenzie, stating that he considers it desirable, pending exis negotiations concerning the North-West boundary between Alaska British Columbia and other British possessions, to ascertain thr an investigation conducted by a Government official, as nearl possible, the point on the Stikine River which the true boundary is likely to intersect when determined by mutual arrangements bet the United States and British Governments, and with this vie recommends that he be authorised to employ one of the civil engin in British Columbia attached to the Canadian Pacific Railway staf whom instructions might be given regarding a cursory examinatic the country to ascertain the point as near as may be where the boun line intersects the Stikine River.

The Committee advise that authority be granted as recommende

Certified.

W. A. HIMSWORTH,
Clerk, Privy Counc

The Earl of Dufferin to Sir E. Thornton.

No. 8.] OTTAWA, *January 24, 187*

SIR: I have the honour to enclose herewith, for your informatic copy of a Minute of my Privy Council, relating to the unsettled bo ary between Alaska and British Columbia, which will make you a of a step which my Ministry propose to take in regard to that ma

I have, &c.

(Signed) DUFFERI

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &

Sir E. Thornton to the Earl of Dufferin.

No. 7.] WASHINGTON, *January 29, 187*

MY LORD: In acknowledging the receipt of Your Excelle despatch, No. 8, of the 24th instant, relative to the boundary o River Stikine, between Alaska and British Columbia, I have the our to offer you my thanks for the information which it contains, to express my opinion that the step about to be taken by the Gov ment of the Dominion is a very desirable one.

I have, &c.

(Signed) EDWARD THORNTO

His Excellency the Earl of Dufferin, K. P., &c., &c., &c.

. 38.] BRITISH COLUMBIA,
Government House, January 31, 1877.

IR: Referring to your despatch of the 13th November last, on the ject of transporting criminals from Cassiar, through Alaska, to toria or New Westminster, I have the honour to enclose you, here- h, a copy of a Minute of my Executive Council, wherein it will be n that the right to bring criminals down the Stikine is claimed ler the Convention between Great Britain and Russia of 1825, also ler the Treaty of Washington.

I have, &c.

(Signed) A. N. RICHARDS.

o the Honourable the SECRETARY OF STATE FOR CANADA,
Ottawa.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Excellency the Lieutenant Governor on the 30th day of January, 1877.

n a Memorandum from the Honourable the Attorney General orting on the Secretary of State's despatch of the 13th November, , relative to the necessity of some arrangement by which crimi- may be transported from Cassiar, through Alaska territory, to penitentiary, or other place of imprisonment at Victoria, New tminster, or elsewhere in British Columbia, and requesting to be rmed of the views of this Government on the subject.

is quite true, as stated in Mr. Justice Gray's letter referred to in above despatch, that there is no mode of communication with Vic- except by the Stikine River, part of which flows through Amer- territory, other than through 600 miles of unbroken forest, ren- ng the transportation of a criminal almost an impossibility.

ut this Government can see no reason to doubt that Great Britain esses the right of free navigation of the Stikine River, not only r the Russian Treaty of 1825, but by the Washington Treaty also. ould it be ultimately determined that this view of the question is rrect, then it will become absolutely necessary to amend the Treaty, rwise the administration of justice will necessitate the building maintenance of a branch penitentiary at Cassiar, which, in that te quarter, would entail an enormous expenditure.

nd recommending that this report be approved;

e Committee of Council advise that the recommendation be oved.

rtified.

(Signed) WM. SMITHE,
Clerk to the Executive Council and Minister of Finance.

The Earl of Carnarvon to the Earl of Dufferin.

da—No. 50.]

DOWNING STREET, *February 13, 1877.*

r LORD: With reference to my despatch, No. 13, of the 9th Jan- , I transmit to you, for the information of your Government, a of the note which the British Minister at Washington has

addressed to the Secretary of State of the United States in regar
the proceedings of the United States Customs authorities in Alask
which your Government have called attention, and urging the Gov
ment of the United States to unite in a Joint Commission, to deter
on the point where the boundary intersects the Stikine River, and
such other points on the boundary line as may be considered advis

I have, &c.

(Signed) CARNARVO

Governor General the Right Honourable
The EARL OF DUFFERIN,
K. P., G. C. M. G., K. C. B., &c., &c., &c

Sir E. Thornton to Mr. Fish.

WASHINGTON, *January 15, 187*

SIR: I have, on several occasions, had the honour of urging u
you the extreme expediency of taking some measures for defining
boundary between the territory of Alaska and the adjacent Br
possessions, and their necessity almost, if the two Governments
desirous of avoiding, as I am convinced they are, the serious diff
ties and discussions which may spring hereafter from the negle
this important work. I have now been instructed by the Ear
Derby again to invite your attention to the subject, and, in doing
I beg to submit some circumstances connected with the matter w
have recently come to my knowledge.

It appears that about two miles above the conventional point, or
River Stikine, agreed upon in 1875 by the Custom House author
of the United States and those of British Columbia as the bo
203 ary point on that river, pending the final settlement, is a t
ing station called "Bucks," up to the present time recogni
and treated as admittedly within British territory. To this p
goods paying duties to the Dominion of Canada are carried.

At Bucks there is now residing a Mr. Choquette, who has a l
quantity of imported goods, which have paid duties to the Domi
Custom House authorities, and in which he is doing a consider
business. It appears, however, that the United States Collecto
Customs at Sitka, the Head of the Department in Alaska, has rece
sent to Mr. Choquette an official notification, copy of which I have
honour to enclose, to remove from his station or pay American du
on his stock.

The general impression with regard to the boundary seems to h
follows:—The Russian Convention of 1825 places it on the summi
the coast range of mountains, when within ten marine leagues,
when that range is not within ten marine leagues, then at the
marine leagues from the coast, but under no circumstances furthe
the interior. The coast range rises immediately from tide waters,
the summit of that range appears to be within fifteen miles of the
This is shown by the fact that, in the following up the valley of
Stikine, the axis of the range is passed at fifteen miles from the co
to this distance from the sea the course of the river bears easte
thence rounding the range in question northerly, receiving fou
five glaciers which flow in an easterly direction from the summit of
range into the valley of the Stikine.

hese, however, are facts which cannot be positively decided with- an actual survey; but in the meantime it appears desirable that conventional boundary point which has been agreed to should be erved, and that the place "Bucks," which is two miles above it, uld, until the boundary is finally laid down, be considered to be hin British territory.

n view of these circumstances, and of many others which may arise, Earl of Derby has instructed me again to urge upon the Govern- it of the United States to unite in a Joint Commission to determine the point where the boundary intersects the Stikine River, and on h other points on the boundary line as may be considered advisable; that in the meantime the *status quo* should be maintained. Pend- a determination of the boundary line by the joint authority of the nations, it seems but fair that the rights of British subjects, as y now exist in that region, should remain inviolate. But, at any , if there are reasons which prevent the Government of the United es from agreeing to steps being taken for settling the boundary , Her Majesty's Government hopes that at least it will agree to e arrangement or *modus vivendi* by which no fresh claim injurious ither can be raised or strengthened.

I have, &c.

(Signed) E. THORNTON.

he Hon. H. FISH, &c., &c., &c.

The Earl of Dufferin to the Earl of Carnarvon.

OTTAWA, *February 12, 1877.*

Y LORD: I have the honour to transmit herewith to Your Lordship py of a Minute of my Privy Council, covering a report by the ister of Justice for Canada upon the case of one Peter Martin, who, e being conveyed in custody from Laketown, Cassiar, British mbia, to undergo a sentence in the gaol at Victoria, committed an ult upon one of the constables in charge of him on the shore of the ine River, and was subsequently tried in Victoria for this assault, convicted and sentenced to a term of imprisonment. It is alleged ie prisoner's behalf that the spot at which the assault was made is within Canadian territory, but is part of the soil of Alaska; and , therefore, he is in the first place entitled to his freedom as having illegally held in custody by British constables within United States diction; and in the second place is not answerable for the assault to nadian Court.

ave the honour to enclose also copies of the correspondence in rd to these points which has passed between Sir E. Thornton and elf; Mr. Fish, Your Lordship will observe, having addressed Her Majesty's Minister upon the subject.

As your Lordship will find, the circumstances of the case, and the various questions to which it has given rise, connected with letermination of the boundary line between British Columbia and ka, and the navigation under treaty of the Stikine River, very and clearly set forth in the report of the Minister of Justice, I ider it unnecessary for me to do more than direct Your Lord- 's attention to the desire which Mr. Blake expresses to be put in ession of the views of Her Majesty's Government in the matter.

I am transmitting a copy of the enclosed Minute of Council to Majesty's Minister at Washington for his information.

I have, &c.

(Signed) DUFFERI

The Right Honourable the EARL OF CARNARVON, &c., &c., &c.

Copy of a Report of a Committee of the Honourable the Privy Cou approved by His Excellency the Governor General in Council, o 10th day of February, 1877.

The Committee of the Privy Council have given their attentive sideration to the Report hereunto annexed from the Honourable Minister of Justice, having reference to the case of Peter Martin; they respectfully submit their concurrence therein, and advise the recommendations made therein be approved and acted on.

Certified.

Report of the Minister of Justice on the case of Peter Martin.

DEPARTMENT OF JUSTICE,
Ottawa, February 5, 187

With reference to the case of Peter Martin, I beg to repor follows:—

1. On the 6th September, 1876, at Laketown, Cassiar, Br Columbia, Peter Martin, *alias* Bricktop, being convicted on indictments, one for an escape from custody and prison-breach, other for an assault on an officer in the execution of his duty, sentenced to imprisonment for a term of three months and a fur term of twelve months.

2. Francis Beegan, of Laketown, was appointed a special const to take Martin by the Stikine River, the only practicable route f the lock-up at Cassiar to the common gaol at Victoria, B. C., the undergo his sentence.

3. On the 11th September, Beegan, who was assisted by H Richardson, another constable, left Laketown in charge of the pris and on the 18th September they reached Glenora on the Stikine R

4. While there, Beegan received from Mr. Lovell, a Justice of Peace, for delivery to Captain Jocelyn, U. S. A., the officer c manding at Fort Wrangel, the following letter:—

GLENORA, *Cassiar, B. C.*, —— *September, 18*

DEAR SIR: I have received advice from A. W. Vowell, Esq., Stipendiary Magi for the district, saying that a prisoner name Peter Martin, who has been sent to a term of imprisonment by the Supreme Court, is being conveyed by const to Victoria, and requesting me, as one of Her Majesty's Justices of the Peace, what I can to have him conveyed safely. The absence of any gaol here, or s place of imprisonment, necessitates sending him through as soon as possible, hope you will excuse the liberty we take in forwarding him through the U States territory without special permission.

The prisoner is in charge of special constables under sealed orders from the Sup Court, and anything you can do to facilitate and secure his safe passage to Vi will be highly appreciated.

I have, &c.

J. B. LOVELL,
Justice of the Pe

Captain JOCELYN,
Officer Commanding, Fort Wrangel, Alaska.

. On the 19th the party began their voyage down the Stikine in a canoe, the only mode of conveyance available at that time. Besides the persons already named, there were on board Charles Henry Hall, and one or more blockmen, passengers, and two ians. In the course of the voyage they landed and camped on the k of the river for the night of the 19th, and on the 20th they led for dinner, and again for the night at Bucks.

. After leaving Bucks on the morning of the 21st, rain coming and the party being cold and hungry, they landed before noon of t day at a good camping place for luncheon.

. While the party were at lunch, close to the shore, the prisoner ed a loaded gun and attempted to escape. He got a few yards away n the camp, and, insisting that he was on the territory of the United tes, defied his guards to capture him. After an assault on Beegan, pursued him, he was overpowered and brought back to the canoe.

. After about an hour and one-half stopping, the party continued r voyage down the Stikine, reaching Wrangel that night, and out again landing, the prisoner was conveyed on board the British *Grappler*, lying off Fort Wrangel, and taken in that vessel to toria, where he was placed, and still remains, in jail, pursuant to sentences already mentioned.

On the 3rd October, Martin was charged at Victoria with the ult on the constable already referred to, and, having pleaded not ty to the indictment, was, on the 14th December, tried for the nce before Mr. Justice Crease and a jury.

). The Attorney General, in opening the case, said that "it would be necessary for him to go into the question of jurisdiction, which been raised, as it would be more properly dealt with by the Court later stage."

.. The learned Judge, early in the case, stated that he "raised the stion of jurisdiction for the prisoner (who was undefended), and he would dispose of it afterwards."

). The evidence given as to the locality of the assault is as follows:—

EXTRACTS FROM THE EVIDENCE OF FRANCIS BEEGAN.

* * * * * *

t Bucks early on the morning of the 21st. Stopped that day near noon at a place for camping. Between 11 and 12 o'clock it was raining hard.
were all cold and hungry, so we stopped to have lunch.

* * * * * *

What authority did you carry with you to carry me through the American ory?—The authority of Judge Vowell.
Where were we when this alleged offence took place?—On the banks of the ie River.
Have you been up the Stikine River more than once?—Twice. I do not know e the supposed dividing line is on the Stikine River.

* * * * * *

Are you aware how far the American territory stretches up the Stikine river?— not know.

* * * * * *

When we started from Bucks, how far did we go—a mile?—I could not tell I do not know how far.
How far were we from the mouth of the river?—That I could not say.
When we stopped on the day of the alleged occurrence to lunch, how far were om the river?—I could not say.
the Judge—
ery short distance, my Lord.

* * * * * *

I know the Great Glacier. I do not know the next river or stream falling in Stikine below the Great Glacier. I do not know the Iskoot River. I never w there. I do not know Salmon River. I was never there. I could not tell y what point this assault occurred.

EXTRACT FROM THE EVIDENCE OF HARRY RICHARDSON.

* * * * * *

206 I could not swear it was in American territory; I do not know; I ass may be eight or ten miles from the mouth; I cannot say; I go by the run; I do not know where the line is.

EXTRACT FROM THE EVIDENCE OF CHARLES HENRY HALL.

* * * * * *

Q. How far were we from the mouth of the Stikine when we stopped to lunch?—From fifteen to twenty miles, but, for safety's sake, I will say from twenty miles from the mouth, somewhere about half way from Bucks to Wra that is, to the mouth.

Q. How far from the Big Glacier?—I should fancy from eight to ten miles b It was 11 o'clock when we left Bucks to go down stream. We got into W that night, and stopped an hour to an hour and a half.

To the Judge—

I cannot say whether above or below the Iskoot River or stream.

* * * * * * *

No, I do not know positively if I was or not in American territory. I know below what you told me was the boundary line, but I do not know. I believ in dispute.

Of course it would be far enough to be in American territory if it was belo boundary line.

I do not know where the actual boundary line is. I understand that it is i pute. I hear they have recently claimed Bucks. I think this occurred some from ten to twenty miles from the mouth.

* * * * * * *

13. The charge of the learned Judge, so far as relates to the que of locality and the defence arising thereon, was as follows:—

* * * * * * *

I have even gone so far in this direction as to declare that the prisoner's p *not guilty* shall, for the purpose of this trial, raise the question of jurisdiction the general issue, and make him constructively allege that the assault could assault but an act of self-defence, because (according to such implied constructi took place in American territory, foreign to our jurisdiction.

* * * * * * *

Now let us examine and dispose of the question of jurisdiction, so far as this and this case is concerned.

The prisoner's allegation is that he, an alleged American subject (I say al for it has not been proved), was landed on American territory, on the banks Stikine, where the alleged assault took place, and that on such landing his sh fell off, and in the eye of the law he became immediately free.

Now, the *onus probandi*, the burden of proving this is on the prisoner. But atom of proof have we in the whole evidence of the truth of the allegations on the implied plea to the jurisdiction is based?

The only approach to evidence on the point in support, is the random allega this Richardson, a witness utterly unworthy of credit, that it took place about or ten miles from the mouth of the Stikine, with nothing to show that eve distance was within American territory. Mr. Hall, an American gentleman, disinterested passenger by the canoe which brought the prisoner down, who his evidence in an unaffected, straightforward way, which, I am free to confes my confidence at once, and declared him to be the witness of truth, placed the ity of the alleged assault at from fifteen to twenty miles from the Stikine mouth, or at the very least, he added, from ten to twenty miles above the m If so, I think we shall be bound to conclude that it took place in British Co territory; at least, according to what appears to be the proper construction Treaty line of demarcation between this and the adjoining country.

ain, supposing this plea to have been true, it would have been quite competent he prisoner to have raised it by *habeas corpus*, or whatever the analogous proceeding to that process might have been in Alaska.

I am bound, however, with the evidence at present before us, to charge you that for the practical purposes of this trial you must consider the occurrence ve taken place either in British territory, and that the custody of this prisoner itish hands was unbroken, or as if it had taken place in British territory.

has been distinctly sworn before you that the actual boundary line in the neighhood of the affray is now in dispute and unsettled, and where that is clearly ase, it is my duty to direct you that both countries claim and exercise concurjurisdiction with the immediate right of action to the party immediately called by circumstances to exercise it.

om that locality to the British vessel *Grappler* the prisoner did not land at all. e endeavoured, for further uses, but unsuccessfully in every case, to elicit from lifferent witnesses the distance of the locality of the assault from the Great ier or the Iskoot River or Simpson River falling into the Stikine, but can get no r than Hall's evidence that it was from fifteen to twenty, or at the very least o twenty miles from the mouth of the Stikine.

w, let us see what the Treaties say, remembering throughout that when Alaska ged hands it had to be taken *cum onere* with all the Treaty obligations attached

the Russian Convention with Great Britain in 1825, confirmed by the Treaty ris in 1856, after the Crimean War, and the Washington Treaty in 1871, upon ettlement of the Alabama Claims—this boundary line or line of demarcation defined *in futuro*, remains now exactly where it was in 1825. Indeed, it has , that I can discover, after a very close research, been authoritatively laid down rveyed by the Russian (or United States) and the British Governments.

icle 3, of the Russian Convention of 1825, says the line "shall be drawn," but it ever yet been done, and remains still to be done. Until it is done it is impos- for anyone to define what really is the boundary along the coast between a and British Columbia.

tainly, neither we sitting here as a British Judge and jury, nor any other can presume to do it. That is the function of the Treaty-making Powers to : and the sooner they do it the better, to avoid bloodshed and disputes.

the present case, however, it is sufficient that the locality of the assault is British territory, or in dispute between the two adjoining countries.

proximately this seems to be the direction of the line of demarcation.

rting from the southernmost point of Prince of Wales Island up the channel, s, to the head of Portland Canal, to a point in latitude 56° north.

nce the line of demarcation to follow the summit of the mountains which d in a direction parallel to the coast (or, as Wheaton defines it, of the mounbordering on the coast), as far as the point of intersection of the 141st degree st longitude (which would bring it to Mount St. Elias), and finally thence along 41st meridian line to the Frozen Ocean.

between Mount St. Elias and the head of Portland Canal that the demarcaine which crosses Stikine River, and is so connected with this case, occurs.

narrow strip of coast shore which this last line includes in Alaska, was intended o secure the long, thin strips of sea-board, so contracted that in Article 5 of the ntion it is called merely a "border or fringe" of the Continent.

t Convention which was of permanent, not temporary, obligation (except as to le ten-years clause), gave the subjects of both the adjacent Powers the free of navigation up and down all the rivers and streams of the coast for ever, with- y hindrance whatever.

Washington Treaty, not mentioning the Convention of 1825 at all, or employy words to repeal it, declares in Clause XXVI, that the navigation of (*inter luvios*) the River Stikine, ascending and descending from, to, and into the sea, for ever remain free and open for the purpose of commerce to the subjects of ritannic Majesty, and to the citizens of the United States, subject to any laws gulations of either country within its own territory, not inconsistent with such ge of free navigation.

re dismissing the question of boundary and jurisdiction, I cannot help remark- the singular mode in which a particular view of a claim by the mere fact of the repeated self-assertion, is made to gather weight like a snowball as it rolls.

Some people seem to think that the boundary line should be placed at a thirty-mile limit from the sea, parallel to the sinuosities of the most winding and ted coast perhaps in the world; whereas, gentlemen, the fact and truth is, that rovision of the thirty-mile limit from the coast is, as plainly as words can

make it, intended and expressed to be for the purpose of fixing a clear limit i
contingency, and only in the contingency, of the Government line of the mou
parallel to the coast running too far inland, when, so far as such digression inl
if I may so term it—shall extend, the thirty-mile limit shall be the maximum.
The thirty-mile limit is only in the alternative.

From the configuration of the country at the entrance of the Stikine, a line
the summit of the mountains jumping from peak to peak, and disregarding ord
hills would, judging from actual observations placed at our disposal by the
Justice, take the line of demarcation across the Stikine within a very few m
the mouth. The United States and Canada are both almost equally interes
the trade and progress of Cassiar, and in the progress of law and order there.
Wrangel would not be much without Cassiar.

Nothing can exceed the kindness, courtesy, and consideration exhibited be
the United States and the British authorities, in connection with this very cas
it is the interest of all to keep up this good feeling by setting at rest all doubt
boundaries. "Certainty is the mother of repose."

Having now disembarrassed your minds of the question of boundary, as fa
at present affects this case, and relegated the final settlement of the line of den
tion to those whose especial function it more properly is, it is my duty to conce
your attention on the facts.

I will merely apprise you that particular care will be taken to send forward,
out delay, to the highest authorities capable of dealing with the subject,
account of everything that is said and done here to-day.

* * * * * *

14. The prisoner was found guilty and sentenced to twenty
months imprisonment, to commence at the expiration of the fo
sentences.

15. On the 2nd November, Mr. Fish called the attention of
Edward Thornton to the case in the following terms:—

* * * * * *

The prisoner was in the custody of constables, and the route travelled th
Alaska was by canoe *vid* the Stikine River. On the 12th of September, they
a landing at a point on that river only a few miles from its mouth, within the
tory of Alaska, for the purpose of cooking food. While thus engaged, the pri
although manacled, by some means obtained possession of a loaded shot-gu
made a deadly assault upon Francis Beegan, one of the constables, at whose h
it is alleged, the prisoner had suffered indignities. He was, however, overpow
and at once conveyed to Wrangel Harbour, where he was placed on board the B
steamer *Grappler* and taken to Victoria.

It further appears, from what has been intimated to the Consul, that Marti
be fully committed for this assault, and that his case will be given to the grand
where a true bill will most likely be found against him, and that the case will
come up in the Supreme Court sometime during the present month.

From the facts presented in this case, it is suggested that the person in qu
should not be tried for the offence with which he is charged, it having been
mitted, as is reported, within the jurisdiction of the United States, and that
being the case, he should be set at liberty.

I will therefore thank you, at your early convenience, to call the attention o
Majesty's proper authorities to the matter, in order that a thorough examinat
the facts in the case may be made.

16. On the 16th December Mr. Fish again communicated with
Edward Thornton, inclosing a copy of the letter from Mr. Love
Captain Jocelyn already quoted, upon which Mr. Fish made the
lowing observations:—

* * * * * *

It would appear thereby that there was no doubt as to the fact of the transm
of the prisoner through the territory of the United States, and that the prese
the prisoner upon American soil arose from no mistake, but from the intention
of the Colonial authorities in so transporting him.

209 I should be glad to be advised of any information concerning the case
you may receive, and have felt it my duty to transmit to you this fi
information.

'. On the 10th January Mr. Fish took occasion to inform Sir Edward rnton that he had received advices as to the trial at Victoria, and e the following statements and observations:—

* * * * * * *

e Consul, who was present at the trial, states that two witnesses who were on pot at the happening of the occurrence, testified that the assault occurred in is considered to be Alaska territory; one locating the point near the Stikine r, eight or ten miles from its mouth, the other at a distance of some ten or twenty from its mouth, and that the Judge, in charging the jury, referred at some h to the point of jurisdiction, and to the fact that a question had been raised by Government concerning the right of a Court in the Province to try the prisoner a offence committed in Alaska, and to correspondence between the two Governs, but stated to the jury that he would entirely disembarrass them on that point, ying that no evidence had been produced, or could be produced, to show that ffence for which the prisoner was on trial was really committed in Alaska, as oundary between the two countries on the Stikine River remain undetermined; ine of demarcation existed showing how far up that river American territory lly extends, whether it was five miles, ten miles, or thirty miles, and that under circumstances the Court had jurisdiction, or concurrent jurisdiction, and that roceedings in trying the prisoner were just and proper.

the note originally addressed to you, under date of November 2, it was sugd that if it appeared that the assault was committed within the territory of the d States, Martin could not properly be tried for the offence with which he was ed, and that he should be set at liberty; and I had the honour to request that hould call the attention of Her Majesty's proper authorities to the case, that an ination of the facts might be made before the case was disposed of.

e facts were laid before you, and while no unnecessary prominence was given e violation of the sovereignty of the United States which had taken place, it onfidently hoped that before Martin was placed on trial for the new charge, or e any proceedings had been taken to continue his imprisonment on the former the facts would have been carefully examined by the Colonial authorities, conclusion reached as to what course should properly be taken, in view of the of Martin and the sovereignty of the United States, which it was stated had invaded; and it is a matter of regret that, under the circumstances, the Court, pparent knowledge of the facts, should have proceeded with the trial and have nced the prisoner, and assumed to decide questions having a serious bearing on ghts and jurisdiction of the two countries; moreover, the position assumed by arned Judge who presided at the trial, if rightly reported, seems to be such as quite confident will not be sustained by Her Majesty's Government.

e absence of a line defined and marked on the surface of the earth as that of the or boundary between two countries, cannot confer upon either a jurisdiction id the point where such line should in fact be. That is the boundary which the y makes the boundary.

veys make it certain and patent, but do not alter rights, or change rightful iction.

nay be inconvenient or difficult, in a particular case, to ascertain whether the on which some occurrence happened is or is not beyond the boundary line; but s simply a question of fact, upon the decision of which the right to entertain iction must depend.

ave the honour, therefore, to ask again your attention to the subject, and to k that if, as appears admittedly to be the fact, the Colonial officers, in transg Martin from the place at which he was convicted to his place of imprison- *vid* the Stikine River, did conduct him within and through what is the unquestioned territory of the United States, a violation of the sovereignty of the United States has been committed; and the recapture and removal of the prisoner from the jurisdiction of the United States to British soil was an illegal, violent, orcible act, which cannot justify the subsequent proceedings whereby he has is, or may be restrained of his liberty.

ave, therefore, to express the hope that if Her Majesty's authorities find the fact as it is represented, that Martin was conducted by the officers having him in ly, into and through the territory of Alaska, being part of and within the jurisn and sovereignty of the United States, he be set at liberty.

ust not allow this question to pass without entering an explicit dissent from

the doctrine which seems to be advanced by the learned Judge who presided trial of Martin, that jurisdiction, or concurrent jurisdiction, rests in Her Ma Colonial authorities or Courts, over offences committed within any part of the tory of Alaska, even though so near to the Treaty line that uncertainty or doub exist on which side of such line the offence is committed. It cannot, I thin necessary to argue this point, or do more than record this dissent and denia doctrine, which, I have no doubt, Her Majesty's Government agrees with repudiating.

18. These several communications from Mr. Fish were transm to His Excellency, and were promptly forwarded to the Lieute Governor of British Columbia, with requests for full and imme inquiry and information.

The Lieutenant Governor's despatch containing papers in answ the earlier of these requests was received on the 1st instant. Th of Mr. Fish's communications has not yet reached the Lieute Governor, and his reply cannot be expected for some weeks.

19. The Attorney General in British Columbia concurs in the re of Mr. Justice Crease, who approves the conviction.

20. Under these circumstances, I am called on to advise, *first*,- Whether Martin should, on the demand of the United State released from imprisonment on the sentences awarded at Laket and, *secondly*,—

Whether he should be released from the sentence awarded at toria.

21. In order to answer the first question, it is necessary to d mine whether it is shown that there has been a violation of sovereignty of the United States.

In support of this view, Mr. Fish before the trial, referred t letter of Mr. Lovell to Captain Jocelyn, written before the vo began, as proving beyond doubt that Martin was conveyed thr the territory of the United States.

This letter was perhaps written with the idea that the const might think it necessary to land the prisoner at Fort Wrangel. haps Mr. Lovell supposed that Great Britain had no right to sen prisoner by the Stikine River.

But whatever were the notions of this Justice of the Peace as t course that might be taken by the constables, or as to the righ Great Britain on the Stikine, it will not be seriously argued i face of the evidence that they are now of the least importance.

22. I do not understand Mr. Fish to assert that the transpo Martin *viâ* the Stikine River was a violation of the sovereignty o United States. On the contrary, he seems to make no complai this, and impliedly, if not expressly, admits the propriety of this His position is, that the sovereignty of his country was violate what took place on the shore of the river, in case the locality sh turn out to be within the limits of the United States.

23. In this view, I think it the more prudent course, in replyi Mr. Fish, to deal only with the affair on the shore; assuming, wit any special reference to the matter, the legality of the transport b river.

24. Nevertheless, as the other question may arise at any mome seems proper to give it some degree of consideration forthwith.

25. The sixth Article of the Convention of St. Petersburg, of ruary, 1825, is as follows:—

"It is understood that the subjects of His Britannic Majesty,

ver quarter they may arrive, whether from the ocean or from the interior of the continent, shall for ever enjoy the right of navigating freely and without any hindrance whatever, all the rivers and streams which in the course towards the Pacific Ocean may the line of demarcation upon their line of coast described in le III of the present Convention."

It seems to me clear that the unrestricted right of navigation by Majesty's subjects under this Article still existed in its integrity date of the Washington Treaty of 1871.

The mode in which the latter part of the 26th Article of that y came to be introduced appears by the following extract from otocols of Conference:—

American Commissioners repeated their views as to the navigation of the t. Lawrence in its natural state.

British Commissioners replied that they could not admit the claims of Amerizens to navigate the River St. Lawrence as of right, but that the British ment had no desire to exclude them from it. They, however, pointed out ere certain rivers running through Alaska which should, on like grounds, ared free and open to British subjects, in case the River St. Lawrence should ared free.

American Commissioners replied that they were prepared to consider that n.

The latter part of the 26th Article is as follows:—

navigation of the Rivers Yukon, Porcupine, and Stikine, ascending and ing, from, to, and unto the sea, shall for ever remain free and open for the s of commerce to the subjects of Her Britannic Majesty, and to the citizens United States, subject to any laws and regulations of either country, within territory, not inconsistent with such privilege of free navigation.

At the time of the negotiation, British subjects had already the right to navigate, for all purposes, all the streams flowing from itish territory in the interior through Alaska. The United had no right to navigate any of these streams beyond the ry of Alaska. Great Britain asked for, and obtained as a con-, a limited right to navigate three of these streams for certain es, conceding to the United States the right to navigate these streams through Columbia on equal terms. Thus this so-called ion by the United States was in fact a concession by Great to the former country, which gave nothing and got everything.

have never been able to form a plausible conjecture as to the for the action of the British Commissioners.

hardly assume that they were ignorant of the rights of Great under the St. Petersburg Convention, or had satisfied themhat those rights no longer subsisted.

less can I believe that they, knowingly and deliberately, deterto abandon those rights, not merely without an effort to defend ut without the least indication that they were attacked by the States.

n any reasonable view, Canada is, I think, fairly entitled to Majesty's Government to adopt the contention that this soncession to Great Britain has not, at any rate, the effect of g her of the more ample powers of navigation which she then d.

this view, our right to navigate the Stikine being general, and ricted to commercial purposes, I have not inquired how far the stricted right of navigation under the Washington Treaty would

authorize the use of the river for the conveyance of a prisoner vessel belonging to a British subject, and I think we should, not standing some questions which may be raised, assume for the pur of the case that such a use of the river is lawful.

33. It would follow that if Martin were brought down the without landing on the United States shore, no violation of sovereignty would be committed.

34. But I am not prepared to admit that, the transfer by the being lawful, to land would be necessarily a violation of their s eignty. The right to navigate a river includes the pow
212 make some use of the shores. The extent of this power, ever, is not very accurately defined, and is perhaps not su tible of precise definition; and its use in such a case as the pres perhaps open to observations which may render it more pruden to exercise the right.

35. But while contending for such a right in the abstract, obliged to admit that, irrespective of the difficulties at which I hinted, the evidence on this particular case is not full enough to e us, at any rate without further inquiry, to claim that the use act made of the shore was lawful, if the landing were in fact withi territory of the United States.

36. But it seems needless now to enter into further inquiry or sideration on this branch of the case, because the contingenc which alone it would be material does not arise.

It does not appear the landing was in the territory of the U States.

37. Under the Convention of St. Petersburg, the line of dem tion (in this region) shall follow the summit of the mountains sit parallel to the coast; but whenever the summit of the mountains v extend in a direction parallel to the coast shall prove to be at a dis of more than ten marine leagues from the ocean, the limit betwee British possessions and the line of coast which is to belong to R shall be formed by a line parallel to the windings of the coast which shall never exceed the distance of ten marine leagues there

38. The boundary line has not been marked.

The uncertainty attending the question is not attributable t Canadian Government, which has made earnest, though hitherto u cessful, efforts to arrange for the formation of a Joint Commissi mark the limit at the Stikine.

39. The Canadian Government, in view of the accumulating plications, lately directed that an officer should be despatched t Stikine River to gather further information as to the boundary a point; but this inquiry, which is not intended to be exhaustive be probably imperfect, and its result will not be known for a conside time.

40. It is to be observed that Mr. Fish does not furnish any i mation tending to elucidate the point.

41. To ascertain the limit we must find the point (if withi leagues from the coast) where the mountains strike the Stikin ascertain in whose territory the assault took place we must find wh the locality is above or below that point.

42. On neither of these questions is there any sufficient materi a decision.

43. Referring to the evidence at the trial. No witness give least information as to the mountains.

gan says that having left Bucks early in the morning they landed
en eleven and twelve; at another part of his evidence he says he
t tell whether they were a mile from Bucks when they landed.
hardson (whose evidence the Judge discards) says only that he
es the landing place may be eight or ten miles from the mouth
river.
ll says it was from fifteen to twenty miles, or from ten to twenty
, from the mouth; about halfway from Bucks to Wrangel—that
mouth; from eight to ten miles below the Big Glacier. He
t was eleven o'clock when they left Bucks; and that they got to
gel the same evening.
re is thus literally no oral evidence on the vital questions.
The Judge transmits with his report a sketch by the Chief Jus-
f British Columbia, of observations which he made on the
e.
s sketch shows plainly that the mountain range is very close to
ore; but I do not understand that it is presented as being abso-
correct, or drawn accurately to scale. It appears to be a sketch,
chart; and it is in no way verified.
pend the certificate of the Surveyor General, showing that,
ling to this sketch, the distance from the mountain height to the
mouth is twelve and two-third miles, and from Bucks, or the
Great Glacier, to the mountain heights, twenty and four-tenth
miles.

45. Published maps, of which I append tracings, show the
ain range quite close to the shore; and they also show a number
nds at the mouth, and in the estuary of Stikine, and others
to the mainland. They do not corroborate the sketch at all
ulars.
It is difficult to know what the witnesses meant by "the mouth
River," and whether the place so designated by them is, in fact,
al with the coast or with the mouth, as shown in the sketch
aps, and it is not easy to say where on the maps the "Coast" is
ound.
Applying to Hall's evidence the distance made out from the
Justice's sketch, they would rather lead to the conclusion that
currence took place in British territory. For example, he says
ft Bucks about eleven; and it seems from other evidence that
nded before noon. If he be correct they must have been far
an twenty miles from Bucks, and, therefore, some distance
the boundary.
in, he says they may have landed eight or ten miles from the
Glacier, thus placing them some distance above the boundary.
, the shortness of the time occupied, according to his account, by
yage before the landing, as compared with the time occupied in
thence to Wrangel, would lead to the inference that the land-
s very much nearer Bucks than Wrangel, and, therefore, above
ndary.
the other hand he says that the landing was about half way
een Bucks and Wrangel—*that is the mouth.*" I am not sure
r this place was a correction, or whether it shows that he was
g of Wrangel as the mouth; if the latter, this would bring the
very close to the boundary; and the same result follows from
mate of the distance.

48. But it is impossible to rely on these loose conjectures as to time and distance hazarded by the witnesses, or on the calculations made from rough sketches; still less is it possible to rely on results obtained by the combination of the evidence with the sketch. The place is probably within a few miles of the boundary; but on which side of it no one can, on the available materials, pretend to decide.

49. I am, therefore, led to the conclusion that it does not appear that the landing took place on the territory of the United States or that the sovereignty of that country has been violated; and I am consequently of the opinion that, upon our present information, there is no ground for discharging Martin from the imprisonment awarded at Laketown.

50. I would be disposed to recommend that this view should be presented to Mr. Fish, and that he should be at the same time informed that the Government will be prepared to consider any information which he may think proper to furnish, tending to establish that the place of the assault is within the boundary of the United States; and further, that the Canadian Government has itself (in connection with other questions which have arisen on the river) directed some inquiry as to the boundary at the Stikine; but I think he should also be told that it is thought that no satisfactory conclusion can be reached before the settlement of the boundary between the two countries; and that even then, it seems doubtful whether the locality of the assault can be fixed with sufficient certainty. I think also that he should be again invited to concur in steps for the ascertainment of the boundary at the Stikine.

51. It is unnecessary for me to enlarge on the dangerous consequences of concession in this case. Concession, however guarded would involve a practical admission that the boundary line may be a considerable distance inland, and it may take us past the first range of mountains, and thus leaving us to the alternative limit of ten leagues take us past a seaport which is thought by the British Columbians to be within their territory. To concede the seaport would, it is said, be to concede the trade with the interior. There may, therefore, be much more at stake than a few miles of barren land.

52. From a letter written by the late gaoler of Cassiar, and transmitted by Mr. Justice Crease, it appears that Martin stated to the writer that he had, prior to his coming to Cassiar, stabbed the mate of a ship at Astoria, Oregon, for which offence he was there confined but had liberated himself by stabbing, almost fatally, his gaoler

214 53. It would, I think, be proper to communicate this statement to Mr. Fish, who may, after investigation, think fit to demand the extradition of Martin under the terms of the Extradition Treaty should the offence referred to be found to come within its provisions.

54. I turn now to the second question, namely, whether Martin should be released from imprisonment on the conviction at Victoria.

55. A favourable decision on the first question would, obviously have involved a like result as to the second; but an adverse decision on the first question does not involve the same result as to the second. In the first case, the burden of proof is on those who affirm that the sovereignty of the United States has been violated; in the second, the burden of proof is, as it seems to me, on the other side.

I think that there is no concurrent jurisdiction of the Courts of two countries; that the Court of British Columbia had jurisdiction in case the offence was committed within that Province; and that volved on the Crown to prove that fact.

I have already stated that, in my opinion, there was, on the , no evidence to show in which of the two countries the act was mitted. It is not proved to have been committed in Alaska; but ıer is it proved to have been committed in British Columbia. re is, therefore, in my judgment, a fatal defect in the evidence for Crown.

The only argument that occurs to me in support of the convic- is that derivable from the claim of right to use the shore to which re referred.

But having regard to the considerations already hinted at in this ection, and to others which arise upon the proceedings at the trial, not think it would be proper, on the present evidence, to treat as a ground for sustaining the conviction.

It does not appear to me that the prisoner has any remedy in the ts; but at any rate it is clear that the case is one in which the ogative may be used if thought expedient.

For the reasons I have given, I think the conviction at Victoria ustainable, and I should be disposed to advise that the sentence of risoner on that conviction be remitted.

However, I do not now, on this any more than on the first point, a formal recommendation.

Had the prisoner, who is not shown to be a citizen of the United s, been arrested at any time after the assault in territory known British, the question of jurisdiction to try him for this assault d have been in fact, as it is in form, merely municipal; and could y have given rise to any right on the part of the United States to vene.

But by reason of the capture of the prisoner on, and his depor- from, the doubtful territory, the case is altered, and the second like the first question, raised beyond the level of a domestic r, involves the relations of the Empire with the United States.

Under the special circumstances, it seems to be fitting that for- ction should be deferred until His Excellency has the opportu- f learning the opinion of Her Majesty's Government, with a view agreement on the course to be pursued.

Accordingly, I recommend that copies of all the material papers, f this Memorandum, shall be transmitted to the Secretary of for the Colonies for the information of Her Majesty's Govern- , with an intimation that His Excellency will be glad to learn views.

I recommend that Sir Edward Thornton be informed that this e is being taken, and that meantime action is deferred.

ecommend that, for Sir Edward Thornton's own information, s of the papers and of this Memorandum be transmitted to him lentially.

For convenience, I append a schedule of the papers to be trans- d.

(Signed) EDWARD BLAKE, M. J.

215 *Report from the Surveyor General of Canada to the Minist*
Justice, on the boundary in the vicinity of the Stikine Riv

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS BRANCH,
Ottawa, February 6, 187

Referring to the diagram of the country in the vicinity of Stikine River, the boundary between British Columbia and Ala accompanying the letter of Mr. Justice Crease to the Honourable Minister of Justice, dated the 26th December last, the Undersig hereby certifies that, according to the scale given, the several distar as follow, taken from the said diagram, are correct, that is to sa

1. From the mouth of the said river, assumed as point A or tracing of the said diagram attached, measured on the rive
216 the crossing of the same by the dotted red line connecting two points laid down thereon as "High Peaks" on the side and "High Peaks," "Blue Glacier," on the west side of the river, shown as point B on tracing herewith, is twelve miles and thirds of a mile.

2. From the point B above, still ascending the river and gene on the centre line thereof, to a point thereon directly opposite word "Bucks" on the diagram, shown as point C on the tracin twenty miles and four-tenths of a mile.

(Signed) J. S. DENNIS,
Surveyor Gener

The Honourable the MINISTER OF JUSTICE,
Ottawa.

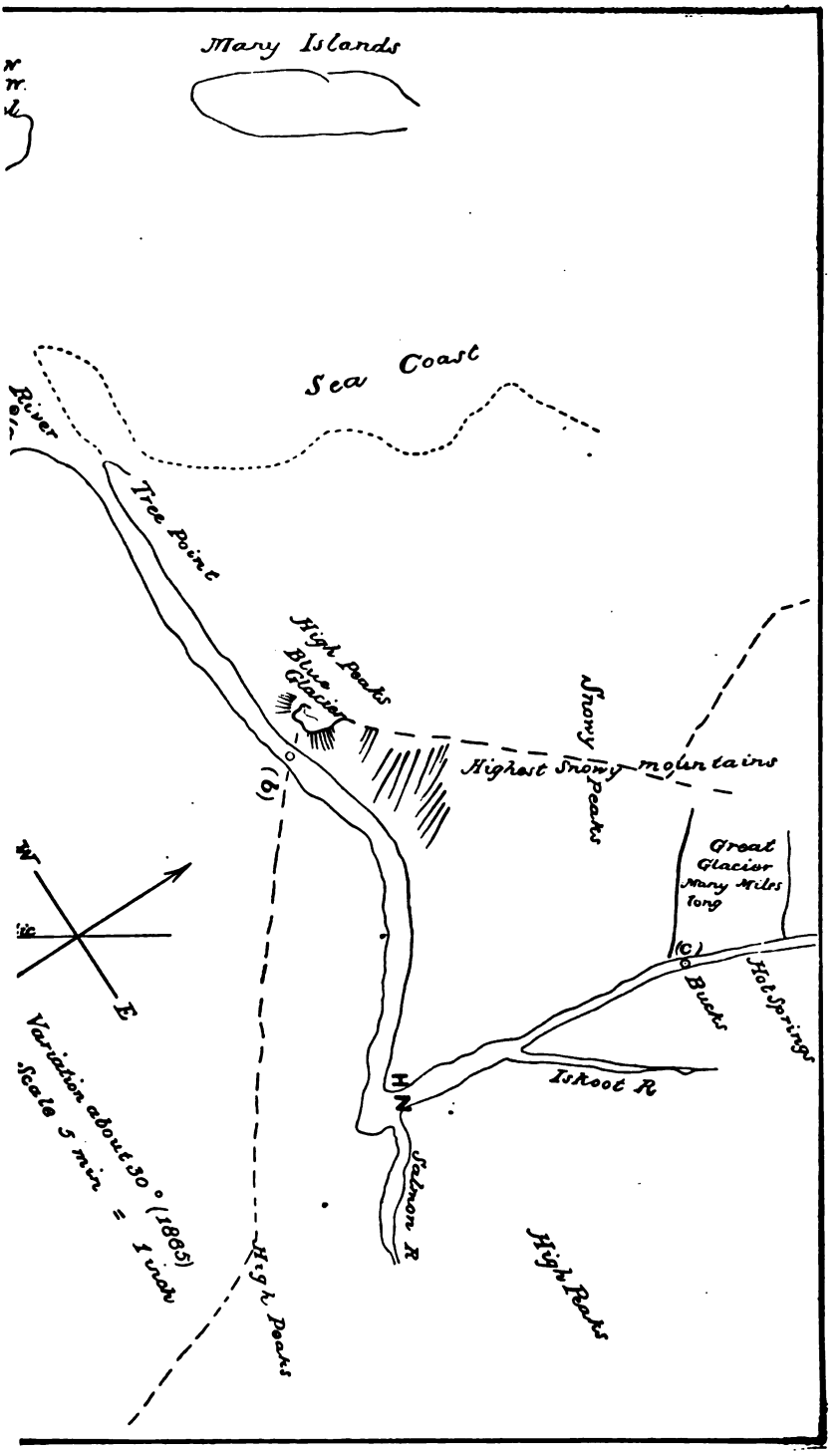
The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET, *February 27, 187*

MY LORD: I transmit to you a copy of a despatch in which British Minister at Washington has communicated to Her Maje Government copies of three notes he has received from the Secre of State of the United States in regard to the case of Peter Ma who, while being taken down the River Stikine from Glenora, Ca County, British Columbia, in charge of two constables, for convey to the gaol at Victoria, appears to have made an attempt to escap what is alleged to be United States Territory.

2. It appears from Sir Edward Thornton's despatch that he has warded copies of Mr. Fish's notes to you direct, and that you replied that the matter would be inquired into. I have, therefor request that you will inform me, as speedily as possible, of the s which your Government has taken in the matter.

3. I gather from Mr. Justice Gray's letter of the 16th October to Mr. Mackenzie, annexed to the Minute of Council of the November, which was forwarded to me in your despatch, No. 25 the 25th November, that the case to which he refers is the same as to which the United States Government have called attention, a observe that he speaks of the attempt to escape as having been n within the thirty miles near the mouth of the River Stikine, w are at present treated conventionally as United States territ although, at the same time, he points out that the true boundary according to the Convention with Russia of 1825 is probably only a fifteen miles from the coast.


Mary Islands
Sea Coast
River
Tree Point
High Peaks
Blue Glacier
(B)
Snowy
Highest Snowy mountains
Peaks
Great
Glacier
Many Miles
long
(C)
Hot Springs
Bucks
Iskoot R
Salmon R
High Peaks
High Peaks
W
E
Variation about 30° (1885)
Scale 5 min = 1 inch

4. In dealing, however, with this case I have to express the opin of Her Majesty's Government, in which I feel confident that y Government will agree, that it will be desirable to treat the conv tional boundary as though it were the real boundary between the t countries until the latter can be authoritatively settled by an Int national Commission or otherwise.

I have, &c.

(Signed) CARNARVON

Governor General the Right Hon.
the EARL OF DUFFERIN, K.P., G.C.M.G., K.C.B., &c., &c.,

Sir E. Thornton to the Earl of Derby.

[Copy.—No. 15.]

WASHINGTON, *January 15, 1877*

MY LORD: I have the honour to inclose copies of three notes wh I have received at the time of their respective dates, relative to case of one Peter Martin.

It would seem that this Peter Martin was tried for some offenc Glenora, Cassiar County, British Columbia, and was sentenced to teen months imprisonment. There being no gaol at that place, safe place of imprisonment, it was deemed expedient to send prisoner to Victoria. The only practicable route was down the Ri Stikine, which passes through the United States territory of Alas During the voyage down the river, the two constables who were charge, and the prisoner, landed for the purpose of cooking food, what is alleged to be United States territory. Here the prison
217 though in irons, managed to seize a gun, and made a viol attack upon Francis Beegan, one of the constables. He was, h ever, overpowered and conveyed to Wrangel, where he was put board H.M.S. *Grappler*, and taken to Victoria.

He was there brought to trial for the assault on the 16th ulti according to the report made to Mr. Fish by the United States C sul, was found guilty, and was sentenced to one year and nine mon imprisonment at hard labour, to take effect after the term of impris ment of fifteen months to which he was sentenced in September l

Mr. Fish claims, that as the assault was committed in the territ of the United States, the British authorities had not jurisdiction, further that once the prisoner had set foot within the United St he was free, and the constables had no right to keep him in custo and still less, forcibly to take him out of the United States.

I have forwarded copies of Mr. Fish's notes, at their various da to the Governor General of Canada. The first of them was tra mitted on the 6th November last, and His Excellency then answe that the matter should be inquired into.

I have received no further communication from him upon the s ject, and it is probable that, owing to the great distance, His Ex lency may not yet have received any answer to his inquiries.

Your Lordship will perceive, from the copy of a letter from a J tice of Peace at Glenora, to Captain Jocelyn, a United States Offi in command at Fort Wrangel, that excuses were made for forward

risoner through United States territory, permission not having previously asked, nor, indeed, was there any United States author- n that immediate neighbourhood who could have granted that ission.

case somewhat similar to that of Peter Martin, as far as his con- nce through United States territory is concerned, occurred in da in 1874. On that occasion, one Samuel Joy was arrested for in New Brunswick, and was taken by the constables across a small on of the State of Maine. Mr. Fish addressed me a note upon ıbject, copy of which I forwarded to the Governor General. The t of an inquiry was that Joy was released, and His Excellency med me that such instructions had been given as would prevent a ition of such an occurrence.

t it may be well considered to be very uncertain whether when · Martin committed the assault upon one of the constables in ;e of him, it took place in British or United States territory.

ave the honour to enclose copy of my answer to Mr. Fish's last relative to the case of Peter Martin.

ave the honour to be, with the highest respect, my Lord, &c.

(Signed) EDWARD THORNTON.

) EARL OF DERBY, &c., &c., &c.

Sir E. Thornton to Mr. Fish.

WASHINGTON, *January 11, 1877.*

: I have the honour to acknowledge the receipt of your note of rday's date relative to the case of Peter Martin. I am to-day .rding a copy of your note to the Governor General of Canada, to I had also forwarded copies of your notes of 2nd November last, ıe 6th ultimo, on their respective receipt.

the first of my communications, which was sent on the 6th No- er last, His Excellency replied that inquiries would at once be ıted with regard to the case of Peter Martin. As yet I have not 'ed any information of the result of the inquiry; but it is not ısible that Lord Dufferin's despatch upon the subject to the Lieu- t Governor of British Columbia may not have reached Victoria after the trial of Peter Martin, and certainly the Canadian Gov- ɜnt would not have been in a position to express an opinion upon ıestion of jurisdiction until it had been informed of the facts of se.

I have, &c. (Signed) EDWARD THORNTON.

Hon. HAMILTON FISH.

The Earl of Dufferin to the Earl of Carnarvon.

OTTAWA, *March 14, 1877.*

LORD: With reference to my despatch of the 2nd instant, I have ɔnour to transmit herewith a copy of a letter from the Secretary ıte for Canada, forwarding, at the request of the Minister of

Justice, a copy of a letter from the Honourable Mr. Justice Cre
relation to the case of the prisoner Peter Martin.

I have communicated a copy of these papers to Her Majesty's
ister at Washington.

I have, &c.

(Signed) DUFFER

The Right Honourable The EARL OF CARNARVON, &c., &c., &c.

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*From the Minister of Justice to His Excellency the Governor Ge
of Canada.*

DEPARTMENT OF JUSTICE,
Ottawa, March 7, 18

With reference to Mr. Justice Crease's letter of 15th Febr
1877, upon the case of Peter Martin, recommend that a copy th
be forthwith despatched to the Secretary of State for the Colonie
connection with previous papers on the same subject; and that, if
has not been already done, he be requested to suspend, until
receipt of the letter, the consideration of the questions raised b
former despatch on the subject.

I further recommend that a copy of Mr. Justice Crease's lett
forwarded to Sir Edward Thornton, confidentially, for his
information.

EDWARD BLAKE, *Minister of Justi*

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*From the Under Secretary of State of Canada to the Governor
eral's Secretary.*

DEPARTMENT OF THE SECRETARY OF STATE,
Ottawa, March 10, 18

SIR: With reference to my letter of the 26th January last,
directed to transmit to you, herewith, for the information of
Excellency the Governor General, a copy of a Memorandum fron
Honourable the Minister of Justice, and of the letter of the Honou
Mr. Justice Crease therein referred to, in relation to the case of
prisoner Peter Martin.

You will see by the marginal note in page 10 of Judge Crease'
ter, that the sketch of the *locus in quo* therein mentioned did not ac
pany his letter. It will, however, be forwarded for His Excelle
information when received.

I am to add that I am informed that His Excellency is alrea
possession of the charge of the learned Judge to the jury, on the
sion of the trial of Martin.

I have the honour to be,

(Signed) EDOUARD J. LANGEVIN,
Under Secretary of Sta

The GOVERNOR GENERAL'S SECRETARY.

The Earl of Carnarvon to the Earl of Dufferin.

ıda—No. 94.] DOWNING STREET, *March 20, 1877.*

Y LORD: With reference to the correspondence noted in the mar-
I have the honour to transmit to you, for the information of your Government, a copy of a despatch from the British Minister at Washington, inclosing a copy of a note he had received from Mr. Fish, late Secretary of State of the United States, with regard to the Alaska boundary question. A copy of Sir Edward Thornton's note to Mr. Fish, to h his note is a reply, was forwarded to you in my despatch, No. f the 13th of February last.

No. 257—Nov. 25, 1876.
No. 268—Dec. 11, 1876.
No. 13—Jan. 9, 1877.
No. 6—Jan. 10, 1877.
No. 19—Jan. 24, 1877.
No. 50—Feb. 13, 1877.
Feb. 26, 1877.

I have, &c.

(Signed) CARNARVON.

vernor General The Right Honourable The EARL OF DUFFERIN, ., G. C. M. G., K. C. B., &c., &c., &c.

Sir E. Thornton to the Earl of Derby.

5.] WASHINGTON, *February 6, 1877.*

LORD: With reference to my despatch, No. 16, of the 15th o, in which I transmitted copy of the note addressed to Mr. Fish, npliance with your Lordship's instructions, relative to the Alaska lary, I have now the honour to inclose copy of Mr. Fish's answer, ich he states that the attention of Congress has been requested) expediency of taking measures for defining that boundary.

esterday saw the Chairman of the Committee on Foreign Rela- of the House of Representatives, who told me that the matter efore the Committee; but upon my urging the danger of leaving hout a decision, and the expediency of providing for the settle- of the boundary at once, I regret to say that he gave me no hope ıy measure would be taken with regard to it during the few ning days of the present Session.

ı hardly hope that Congress will meet again for any but the necessary business, if at all, before December next. I shall however, do my best to bring about the consideration of the r in question, with the importance of which I am fully impressed.

I have, &c.

(Signed) E. THORNTON.

EARL OF DERBY, &c., &c., &c.

Mr. Fish to Sir E. Thornton.

DEPARTMENT OF STATE,
Washington, February 20, 1877.

I have the honour to acknowledge the receipt of your note of th ultimo, in which you suggest the expediency of taking meas- or defining the boundary between the territory of Alaska and

the adjacent British possessions and, in reply, to inform you that attention of Congress has been requested to the subject.

I have, &c.

(Signed) H. Fis

Right Honourable Sir E. Thornton, K. C. B., &c., &c., &c.

The Earl of Dufferin to the Earl of Carnarvon.

Ottawa, *March 21, 187*

My Lord: With reference to my despatch of the 14th instant, to previous correspondence on the same subject, I have the honou transmit herewith a copy of a letter from the Secretary of State Canada, forwarding a copy of a further communication and enclo from Mr. Justice Crease relative to the case of Peter Martin.

I have communicated copies of these papers to Her Majesty's M ister at Washington.

I have, &c.

(Signed) Dufferi

The Right Honourable the Earl of Carnarvon, &c., &c., &c.

The Earl of Dufferin to Sir E. Thornton.

No. 38.] Ottawa, *March 24, 187*

Sir: In further reference to the correspondence which has t place, concerning the case of Peter Martin, I have the honour to tr mit herewith, for your information, a duplicate copy of an Orde the Privy Council of the Dominion, which I have communicated t Secretary of State for the Colonies touching the question of the all conventional boundary between British Columbia and Alaska.

I have, &c., &c.

(Signed) Dufferi

The Right Honourable Sir E. Thornton, K.C.B., &c., &c., &c

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220 *Copy of a Report of a Committee of the Honourable the P Council, approved by His Excellency the Governor Gener Council on the 21st March, 1877.*

The Committee have had under consideration the despatch from Right Hon. Her Majesty's Secretary of State for the Colonies, of 27th of February, 1877, inclosing copy of a despatch from Sir Edw Thornton, of the 15th January previous, on the case of Peter Ma

They have also had before them the report hereto annexed, f the Hon. the Minister of Justice, to whom the said despatch enclosure were referred, and they respectfully submit their con rence therein, and advise that a copy thereof and of this Minute transmitted for the information of Her Majesty's Government.

Certified.

(Signed) W. A. Himsworth,
Clerk, Privy Counc

her Report of the Minister of Justice on the case of Peter Martin.

DEPARTMENT OF JUSTICE,
Ottawa, March 20, 1877.

on the despatch of the Colonial Secretary of the 27th February,
sing a copy of a despatch from Sir Edward Thornton, of the 15th
ary, on the case of Peter Martin, I beg to report as follows:—
e despatches already sent to the Colonial Secretary embrace all
vailable information on the facts of this case.

Edward Thornton, taking the same view which is propounded
ose despatches observes that "it may well be considered to be
uncertain whether, when Peter Martin committed the assault
one of the constables in charge of him, it took place in British
nited States territory."

e Colonial Secretary, however, observes, that in Mr. Justice Gray's
he speaks of the attempt to escape as having been made within
) miles near the mouth of the River Stikine, which are at present
d conventionally as United States territory, although at the same
ne points out that the true boundary line, according to the Con-
on with Russia of 1825, is probably only about 15 miles from the

e Colonial Secretary adds the following statement:—
n dealing, however, with this case, I have to express the opinion
er Majesty's Government, in which I feel confident that your
nment will agree, that it will be desirable to treat the conven-
boundary as though it were the real boundary between the two
ries until the latter can be authoritatively settled by an Inter-
al Commission or otherwise." No doubt, upon the assumption
here is a conventional boundary, it would be proper during the
uance of the agreement by which such boundary was established,
at it as though it were the real boundary.
act otherwise would be to nullify the Convention.
there never has been, so far as I am aware, any conventional
ary.
United States would, probably, be well pleased if we were to
se a conventional boundary, fixed on the principle most favour-
e them, and least favourable to Canada; but, if we were to pro-
his plan, it is not unfair to conclude that the Government of the
l States, which has hitherto declined our proposals for the set-
t of the true boundary at the Stikine, and which is meanwhile
ng on the removal of our traders from places believed by us to
in our territory, would redouble its pressure for such removal,
ntinue its declinature to investigate a question by the settlement
ch it might lose much and could gain nothing.
practical result would be the abandonment of our contention.
e not, indeed, proposed that we should now make any such
ement, and doubtless the suggestion of the Colonial Secretary,
ne treatment of the question, was based solely on the erroneous
sion which appears to have been created by Mr. Gray's letter,
ich has, I daresay, been removed by the subsequent despatches.
ommend that a copy of this Memorandum, if approved, should
t to the Colonial Secretary as expressive of the views of the
ment on the subject, and that a cable despatch be also sent, to

the effect "that there is no conventional boundary at Stikine save settled by Russian Treaty."

I have, &c.

(Signed) EDWARD BLAK

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221 *The Right Honourable the Earl of Carnarvon to the Gove General.*

Canada—Secret.] DOWNING STREET, *March 21, 187*

MY LORD: Since writing my despatch, secret, of the 27th

Secret—12th Feb'y, 1877.
Conf'l—19th " 1877.
" —21st " 1877.
Secret—2nd March, 1877.

ruary, I have received your despatches, as n in the margin, with respect to the case of I Martin.

I will at once consult the Secretary of State for Foreign Aff and the Law Officers of the Crown, upon all the questions which arisen in connection with the case, and I will now only add that fully alive to the necessity which exists that no steps should be t which might appear in any way to strengthen the claims of the U States to advance the boundary of Alaska beyond the limits fixe the Treaty with Russia of 1821.

I have, &c.

(Signed) CARNARVO

Governor General The Right Honourable
The EARL OF DUFFERIN, K.P., G.C.M.G., K.C.B., &c., &c.

The Earl of Carnarvon to the Earl of Dufferin.

Canada—Secret.]

DOWNING STREET, *March 31, 187*

MY LORD: I received on the 22nd instant your telegram, dated previous day, stating that the Minister of Justice thought I ough be informed with reference to my secret despatch of the 27th Fe ary, that the only conventional boundary on the Stikine is that se by the Treaty with Russia; to which I replied on the 27th instant telegraph, that the term conventional boundary, as used in my desp had reference to the *status quo* on the Stikine, the maintenanc which was urged by your Government in the Minute of Council d the 21st of November last.

I have now only to add that this Minute of Council was expr referred to in my secret despatch of the 27th of February, and th

C.O.—No. 13—Jan. 9, '77.
C.O.—No. 50—Jan. 13, '77.

you have been informed by my despatches not the margin, the wishes of your Government, wh as expressed in that Minute, advocated the retention for fiscal purp of such arrangements with respect to the boundary as have hitherto observed, have been strongly pressed upon the United S Government.

I have, &c.

(Signed) CARNARVO

Governor General The Right Honourable
The EARL of DUFFERIN, K. P., G. C. M. G., K. C. B.

of a Report of a Committee of the Honourable the Privy Council, roved by His Excellency the Governor General in Council on the March, 1877.

n the confidential telegram received by Your Excellency from ght Honourable Her Majesty's Secretary of State for the Colo- reply to that dispatched in pursuance of the Minute in Council 21st March instant, with reference to the Alaska boundary, the rable the Minister of Justice has submitted the following report, ch the Committee concur, and which they submit for Your ncy's approval.
ified.

(Signed) WM. A. HIMSWORTH,
Clerk, Privy Council.

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r Report of the Minister of Justice on the case of Peter Martin.

DEPARTMENT OF JUSTICE,
Ottawa, March 28, 1877.

the confidential telegram received by His Excellency from arnarvon (in reply to that despatched in pursuance of the Minute ncil of 21st instant), with reference to the Alaska boundary in owing terms:—

term conventional boundary refers to the *status quo* on Stikine, maintenance of which was urged by a Minute of the Privy Council of November 21, 1876," I am asked by His Excellency o suggest an answer, and, at the same time, to state what the *uo*, referred to in the Minute of the 21st November, is.

hrase referred to is used in the Memorandum of the Minister ic Works concurred in by Council on the 21st November, 1876, h, after a recapitulation of previous official correspondence, he ut that instructions had been issued by the Secretary of the y of the United States to a local officer which, if carried out, seriously complicate existing arrangements and defeat the tion of an early settlement.

lds that the United States Government have, through the offi- ded to, intimated their intention, immediately after the open- he river next spring of treating certain places as United States y by taking proceedings against Canadian settlers who may in such localities, for the collection of United States customs n goods in their possession. He points out that it is important presentation of these facts should be made immediately to Her 's Government so that the rights of British subjects as they ist may be maintained inviolate in that quarter, pending a nation of the boundary line by the joint authority of the two and he suggests that Her Majesty's Government should again the United States Government to join in a Joint Commission mine on the point where the boundary intersects the Stikine nd that in the meantime the *status quo* should be maintained.

lemorandum thus showed that it was proposed by the United disturb the actual occupation by a British subject as British of a certain point which was claimed to be in British territory.

It is, I understand, the *status quo* of this British subject, ar
others who might be similarly circumstanced, which it was desir
maintain.

No mention is made in the Memorandum of any agreement or u
standing, formal or informal, as to a conventional boundary
pending the ascertainment of the true line. No such agreeme
understanding has ever been made by this Government or by an
with its knowledge or authority.

There was not, and, indeed, under the circumstances which I
mentioned, there could not have been any intention to assert
existence, or to suggest the continuance of any such agreemer
understanding.

I, therefore, recommend that the following telegram be addr
to Lord Carnarvon:—

"*Status quo* referred to actual occupation of certain points by British settl
British territory. This Government never agreed to any line."

It is, however, proper to add that within the last few days
Roscoe, a member of the House of Commons, from British Colur
has stated in his place that he has reason to believe that in June,
a local Customs officer of the United States and a military offic
the United States, and a local Customs officer of Canada came to
verbal understanding, that for the time, and pending further arra
ments, the Canadian officer should fix his office at a specified poi
the Stikine, and should collect Canadian duties on all goods land
or above that point; and the United States customs officer should
lect United States duties on all goods landed below that point.

This point is represented to be nearly opposite the Iskoot R
about ten miles above a reserve or town plot on the same bank,
years ago laid out as British territory by the late Mr. Sullivan,
ish Columbian Gold Commissioner, and Mr. McKay of the Hud
Bay Company; and about two and a half miles above the point
occupied by the British trader (Choquette), who has received not
tion referred to in the Memorandum of 21st December.

Mr. Roscoe understands that the Canadian Customs officer pit
his tent at the point specified, and for some time collected duti
arranged; but that, being unprovided with accommodation there
residence or office, he, after a certain interval for his own conveni
removed to a Hudson's Bay Fort on the opposite bank, a short dist
above Bucks, and some miles higher up the river; and so placed
self above instead of below Choquette's establishment.

It would seem that subsequent to, and, as some conjecture, c
quent upon this removal, the United States authorities took the a
with reference to Choquette which has become the subject of c
spondence.

It may be added that the despatch of Sir Edward Thornton to
Derby, of 27th September, 1875, communicated to His E
223 lency by the Colonial Secretary's despatch of 22nd Octo
1875, sufficiently shows that the Government of the U
States in no sense asserts or recognizes any agreement which wou
any way affect either the case of Choquette or that of Martin.

If Mr. Roscoe be rightly informed, the head of deep water nav
tion is at the Iskoot, which is a considerable distance above the
range, and consequently in British territory.

der such circumstances, the importance of avoiding any conces-
or complication as to our rights is obvious.
I understand, the transactions which are reported to have taken
between these local officers were neither authorized by or com-
cated to this Government, which cannot be, in any sense, bound
ected by them.
t, at any rate, they can apply only to the purpose to which they
d, viz., the temporay settlement of a line for Customs purposes;
this connection any effect they may have would be to strengthen
aim that the position of Choquette should not, meanwhile, be
bed.
y can have no bearing on the questions arising in the case of
n.
commend that the Minister of Customs should procure from his
officer a full report of the transactions referred to; and that a
of this Memorandum should be transmitted to the Secretary of
for the Colonies.

(Signed) EDWARD BLAKE.

The Earl of Carnarvon to the Earl of Dufferin.

a—No. 122.] DOWNING STREET, *April 23, 1877.*

LORD:. With reference to my despatch, No. 94, of the 20th
, I enclose for the information of your Government, an extract
a despatch from the British Minister at Washington, reporting
bstance of some remarks recently made by him to the Secretary
te of the United States with regard to the importance of steps
taken for laying down the boundary line between Alaska and
Columbia.
I have, &c. (Signed) CARNARVON.
ernor General the Right Honourable
The EARL OF DUFFERIN, K. P., G. C. M. G., K. C. B.

Sir E. Thornton to the Earl of Derby.

[Extract—No. 93.]

WASHINGTON, *March 26, 1877.*

ORD:

* * * * * *

that there were one or two questions pending between the two Governments,
tion of which seemed to me to be important to both of them.
f these was the laying down the boundary between British Columbia and
I pointed out to him that gold was being discovered in sufficient quantities
eighbourhood of the Stikine River to induce a number of adventurers to visit
gions; that these gold-seekers were of the usual character of such persons;
turbances would probably take place, coupled with resistance to the author-
d that it would be most desirable to decide where the jurisdiction of the
States ended and where that of British Columbia began. But for this pur-
vould be necessary that Congress should grant the necessary funds, so that
ey might be carried out.

* * * * * *

have, &c.

(Signed) EDWARD THORNTON.

L of DERBY, &c., &c., &c.

224 *Letter of instructions from J. S. Dennis, Surveyor Genera Joseph Hunter, C. E.*

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS BRANCH,
Ottawa, March 3, 187

SIR: I have the honour, by direction of the Minister of the Inte to instruct you to proceed, with as little delay as possible, to the Sti River for the purpose of making such a survey thereof, and su reconnaissance of the country embracing the coast range of mount in the immediate vicinity, as will enable you to ascertain, with appr mate accuracy, the boundary on the said river between the Domi and the territory of Alaska.

The boundary in question, where it crosses the river name described in Articles 3 and 4 of the Convention between Russia Great Britain of February 28 (16), 1825, a copy of which you receive herewith with certain tracings, as follows, that is to say:–

(D) Of the Admiralty chart, showing the general direction of coast (the line of the latter, opposite the Stikine, being shaded ye below), also the points A and B hereinafter referred to.

(E) Of part of the United States hydrographic chart of Alaska.

(F) Of a sketch hereinafter alluded to as made by His Honour C Justice Begbie.

1. Having identified Rothesay Point on the coast at the delta of River Stikine (shown as point A on tracing D), you will assume the point from which to commence the survey of the river, also present purposes, as marking the point from which to measure or mate the distance of the ten marine leagues from the coast referr in the Convention.

2. You will then make a survey of the river for such a distanc as will enable you to mark a point thereon ten marine leagues f the coast, taking the angles with a box sextant transit or theodc occasionally checking the bearings of your lines by true azimuths, effecting your traverse measurements, if possible, by chaining.

Should the circumstances not permit of chain measurements wit involving too much time and expense, you will obtain your dista by triangulation or the use of a micrometer.

3. In surveying the river, you will note all the features on it of sequence, laying down especially the exact position of the Cana Custom House and other governmental or private establishment landing.

4. Your attention is called to tracing F, above mentioned, un stood to have been recently made by His Honour Chief Justice Beg This tracing shows a dotted red line crossing the Stikine, about and half miles above Tree Point (supposed to be identical with point B shown on tracing), believed to have been laid down by Chief Justice to mark the intersection of the Stikine Valley by a connecting the nearest peaks on either side of the coast rang mountains.

5. You will make it your duty to verify this sketch as to the do red line shown, and generally take such observations as will en you to lay down, with approximate accuracy, the crossing of the r (should the same occur within ten marine leagues of the coast) line, in the words of the Treaty, "following the summit of the m tains parallel to the coast."

t is assumed that the point on the river where a line would cross
:ting the two highest peaks "of the mountains situate parallel
coast," adjoining on either side of the river (if within the dis-
of ten marine leagues from the coast, measured and estimated
ourse at right angles to the general bearing thereof opposite)
give the crossing of the river by the international boundary at
oint.
he general direction of the coast, embracing said thirty miles
h side of the Stikine, is indicated on the tracing D, and may be
as north thirty-two degrees west, or south thirty-two degrees
rue). The ten marine leagues should therefore be laid off or
ted on a course at right angles thereto, or north fifty-eight
s east.
hould you require professional assistance, you are at liberty to
select whoever will best suit your purpose. You will, however,
keep in view the necessity for conducting the service with all
possible economy and dispatch consistant with a fair degree of
cy.
important that the Government should be put in possession of
eport and plan of survey with as little delay as possible.
r. John Leech, resident at Victoria, has been mentioned to the
er as being in possession of much information respecting the
River. It might be well for you to consult him generally in
tter.
I have the honour to be, sir, your obedient Servant,

(Signed) J. S. DENNIS,
Surveyor General.

PH HUNTER, Esq., C.E.,
Victoria, British Columbia.

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er letter of instructions from J. S. Dennis, Surveyor General, to Joseph Hunter, C.E.

DEPARTMENT OF THE INTERIOR,
DOMINION LANDS OFFICE,
Ottawa, March 3, 1877.

Referring to the instructions addressed to you from this office,
g even date herewith, I have the honour, by direction of the
er, to request you, in connection with the survey of the Stikine
to ascertain and show on the map to be returned with your
, as accurately as possible, the place where the assault was com-
by Peter Martin, who was recently convicted thereof in Vic-
nd whose case has attracted public interest, from the fact of its
been claimed in the interest of the said Martin that the offence
mmitted in United States territory.
facts of the case are as follows:—
person above named was convicted at the Court, held at Cassiar
tember last, of a crime for which he was sentenced to a term of
onment at Victoria.
ile *en route* to serve this term, being escorted by the several per-
hose names are given in the margin, the party having landed at

a place on the Stikine River for lunch, a violent assault was comm
by him on the constable in charge, for which second offense h
tried and convicted after arrival a
toria. On this trial the question of
tion was raised, it being asserte
behalf of the defence, that the assau
committed in United States territor

1. Frank Beegan, constable, resident at Victoria.
2. Harry Richardson, assistant.
3. Mr. Hall, passenger, an American.
4. And certain Klochmen.

It is quite possible that you may retain the services in your pa
one or two of the men who formed the escort of Martin as above
could point out the precise spot where the offence was committe

The most reliable of these men is said to be Beegan, the cons
who, it is said, resides at Victoria. The man named Richardson
considered reliable.

If Beegan cannot accompany you himself, he may assist y
obtain the services of some of the natives who were attached t
escort party, and who could doubtless give you the requisite inform

Be good enough to forward a report on this subject entirely sep
from the principal service with which you are charged unde
instructions alluded to.

I have the honour to be, Sir, your obedient Servant,

(Signed) J. S. DENNIS,
Surveyor Gene

JOSEPH HUNTER, Esq., C.E.,
Victoria, British Columbia.

[Extract.]

"Commencing from the southernmost point of the island
Prince of Wales Island, which point lies in the parallel of fifty
degrees forty minutes north latitude, and between the one
226 dred and thirty-first and the one hundred and thirty-
degrees of west longitude (meridian of Greenwich), the
line shall ascend to the north along the channel called Por
Channel as far as the point of the continent where it strikes the
sixth degree of north latitude. From this last-mentioned poin
line of demarcation shall follow the summit to the mountains sit
parallel to the coast as far as the point of intersection of the one
dred and forty-first degree of west longitude (of the same meri
and, finally, from the said point of intersection, the said meridia
of the one hundred and forty-first degree in its prolongation as
the Frozen Ocean.

"With reference to the line of demarcation laid down in the
ceding article, it is understood that whenever the summit o
mountains which extend in a direction parallel to the coast fron
fifty-sixth degree of north latitude to the point of intersection o
one hundred and forty-first degree of west longitude, shall pro
be at the distance of more than ten marine leagues from the o
the limit between the British possessions and the line of coast w
is to belong to Russia as above mentioned (that is to say, the lim
these possessions ceded by the Convention) shall be formed by
parallel to the winding of the coast and which shall never excee
distance of ten marine leagues therefrom."

(Signed) J. S. D.
S.

t of Joseph Hunter, C.E., respecting his survey of the Stikine River.

VICTORIA, B. C., *June, 1877.*

: I had the honour, in a former communication, to acknowledge ceipt of your instructions (No. 6063), dated 3rd March last, ting a survey of the Stikine River, for the purpose of defining undary line where it crosses that river, between the Dominion ie territory of Alaska.

following extract from the instructions above alluded to, shows eneral way the nature of the duties entrusted to me, and the nation furnished for my guidance:—

e the honour, by direction of the Minister of Interior, to instruct you to pro-th as little delay as possible to the Stikine River, for the purpose of making urvey thereof, and such a reconnaissance of the country embracing the coast f mountains in the immediate vicinity, as will enable you to ascertain with mate accuracy the boundary on the said river between the Dominion and the y of Alaska.

oundary in question, where it crosses the river named, is described in Arti-id 4 of the Convention between Russia and Great Britain of February 28, (16) opy of which you will receive herewith, with certain tracings as follows, that

)f the Admiralty chart, shewing the general direction of the coast (the line atter, opposite the Stikine, being shaded yellow), also the points A and B ter referred to.

)f part of the United States hydrographic chart of Alaska.

)f a sketch, hereinafter alluded to as made by His Honour Chief Justice

ing in view the possibility of carrying out the survey previous to aking up of the ice on the river, a party was organized with the ossible delay, and suitable provision made for the successful olishment of the work to be undertaken.

left Victoria by the Hudson's Bay Company's steamer "Otter," evening of the 27th March, and arrived at the United States y post of Fort Wrangel on 2nd of April. The same day the went into camp at the mouth of the Stikine River, 8 miles N. E. from Wrangel.

survey was commenced on the 3rd April, a correct transit line n along the valley of the river, mostly on the ice, a distance of 4 miles, and the whole work finished on the 3rd May.

"Otter," for which we waited five days, arrived at Wrangel on , and by her we sailed thence on the same day, reaching Victoria on the 15th May.

Before proceeding to detail the results of this survey, it seems lesirable briefly to notice the prominent mountain ranges and hysical features of British Columbia.

ntinuation of the main Rocky Mountain range extends from the n boundary of the Province in latitude 49° N. and longitude 14° W. in a north-westerly direction.

ur or subsidiary range, branching off from the main range near 55° N., runs westerly and joins the eastern spur of the coast, t is sometimes called, the Cascade Range, about latitude 56.

general summit of the Rocky Mountains, up to the 55th paral-north latitude, determines the watershed of the continent, and tern boundary of the Province.

The western slope of this range, with its numerous spurs and iso lated ridges, is drained by the rivers Fraser and Columbia, the forme lying wholly in British Columbia, and draining an area of 66,00 square miles.

The Coast Range originates near the mouth of the Fraser River, i about latitude 49° 10′ N. and longitude 122° 30′ W., and runs in north-westerly direction. The general bearing of its axis is nearl parallel to the average trend of the western coast, as far north as lati tude 56°, from whence the range bends slightly eastward to its junc tion with the Rocky Mountain spur above alluded to.

This range forms the climatic division between the arid uplands o the interior and the low, humid country on the Pacific seaboard.

The watershed between the great basin of the Fraser River and th waters of the Pacific lies to the eastward of the coast range, an approaches at its extreme western limit to within 18 miles of Gardi ner's Channel, an arm of the sea.

These mountain ranges can be identified with tolerable distinctnes as far north as latitude 56°. Beyond that latitude, however, the sys tem becomes more complex and confused, and its prominent feature more subdued.

The main coast range is supposed to extend into Alaska, branchin off northeasterly towards the head waters of Peace River, from whenc the Rocky Mountain range extends beyond the origin of the Youko River, and its tributary the Porcupine.

An inferior range, known as the "Blue Mountain," diverges fro the main coast range opposite the source of the most easterly branc of the Skeena River, and stretching northerly in a direction nearl parallel to the main Peace River, meets the eastern spur of the coas range about the 60° parallel of latitude.

In the loop thus formed the Rivers Skeena, Nasse, and Stikine tak their rise.

Another range is supposed to originate somewhere in the neighbour hood of Portland Channel, in latitude 55° N., and running apparentl about parallel to the coast. Its axis crosses the Stikine River, 24 miles from its mouth; Mount Whipple, the highest peak on the River lies on this axis. It will be more particularly referred to hereafter.

From latitude 58° 40′ N., or 150 miles to the north of the Stickeen the coast line for 200 miles farther northward has been accurately surveyed by the United States coast survey, and the position of th adjacent mountain range determined and laid down on the charts.

The summit of this range is shown to run parallel to the coast, dis tant from it 13 to 20 miles.

The position and altitude of five of the highest peaks were accurately determined.

Mount Crillon, the most southerly in latitude 58° 40′ N. and longi tude 136° 58′ W., is 15,900 feet above the sea, and distant from th coast line 13 miles.

Mount St. Elias, the most northerly, in latitude 60° 20′ 45″ N. longi tude 141° 0′ 12″ W., has an altitude of 19,500 feet above the sea level and distant 20 miles from the coast.

The latter is by far the highest mountain on the North America Continent, and nearly one-fourth higher than the loftiest mountain i Europe.

n Mount St. Elias the boundary line between Alaska and British
bia runs due north along the 141st meridian to the Frozen Ocean.
re is reason to believe that the range from the southward, cross-
ing the Stikine River, as above described, runs northward along
the coast till merged in the St. Elias range. Its snowy summits
can be seen stretching for many miles along the seaboard to the
It is undoubtedly the range of "mountains parallel to the
referred to in the Convention.
veen the range known as the Blue Mountains and the mountain-
ne on the Pacific stretches a wide rolling plain, similar in char-
ınd appearance to the southerly elevated plateau of British
bia, of which it is no doubt a continuation.
Stachine or Stikine River rises by three branches in this plain,
ıe western spurs of the Blue Mountains.
branch heads far to the south of the river mouth, and flowing
'ard joins the middle and northern branches about altitude 57° 30′
The river then flows north-westerly to about latitude 58° 45′,
it makes a long sweep to the westward, and, on a course about
vest, reaches the eastern flanks of the coast mountains at the
Rapid, 105 miles from the sea, and probably 300 miles from
ırce.
e is nothing known of a remarkable character in connection
ıe the river thus far. The climate of the country through which
, for the first 150 miles, is said to be mild, the current sluggish,
e volume of water small. Its main tributaries are received in
t 250 miles of its course, and, for this distance, the current is

ɔsite a point on the river, 230 miles from its mouth, 4 miles to
ıtward, lies Dease Lake, the waters of which flow into McKenzie
ɔy the Dease and Peace Rivers.
ıt halfway, between Dease Lake and the Stikine, or two miles
ither, is a point on the watershed of the Arctic and Pacific
. Its elevation above the lake and river is about 100 feet, and
he sea 2,000 feet.
ll thus be seen that the great river systems of the two oceans
each other nearly 200 miles. Some of the most valuable mines
rich gold mining district of Cassiar are found on the western
es of Dease River, and the auriferous belt to which the above
pplies, lies close upon the Stikine in this neighbourhood to the
ırd.
small mountain town of Glenora is situated on the right bank,
les from the mouth of the river, which up to this point is navi-
uring the open season for small steamers. Glenora is the main
ıting point for the mines of Cassiar.
stream, 30 miles above Glenora, a good seam of coal has been

30 miles in this vicinity the river runs in a deep cañon dug out
anic rock.
river enters the mountains at the Grand Rapid. The change is
instantaneous from the dry arid ridges and stunted pines of the
Plateau to the serrated, rugged and confused mountain peaks
Granite Range.
20 miles the river runs about due south, it then turns nearly
ast, and runs on that course for 17 miles.

The topography of the mountains on both banks thus far is exceedingly rough. Nothing like distinct arrangement is observable. The mountains appear in isolated ridges, and groups of steep, sharp rocky peaks, varying in altitude from 1,500 to 4,000 feet.

The soil of the valley bottom is loose and sandy, and sustains a growth of cottonwood and large poplar; the mountain sides, for a considerable distance up, are well wooded with coniferous trees; the higher portions are, in many instances, covered with snow, and destitute alike of soil and vegetation.

The solid granite structure terminates 39 miles below the Grand Rapid, or 69 miles from the sea, and for this latter distance the prevailing rock is a slaty diorite, with frequent exposures of grey and black slate, the latter more noticeable along the delta of the river, and near the town of Wrangel.

From the locality of this change in the rock structure, the river runs on an average course of due south for 30 miles, and the mountains assume a more rounded appearance.

Thirty-two miles from its mouth, and opposite a ridge of rough rocky peaks on its left bank, the Stikine is joined from the east by the Iskoot River. The valley of this river is broad and level, and extends for some distance nearly due east; it then turns south-east towards the Nasse River, near which the south branch of the Iskoot originates.

229 The Iskoot River seems to encircle on the east range of "mountains parallel to the coast," the eastern slope of which it drains.

The Indians are said to travel along the valley of this river from the Stikine to Fort Simpson in six days.

From the junction of the Iskoot with the Stikine, looking nearly due south, down the valley of the latter can be seen, distant 12 miles, a range of high snowy summits stretching across the bearing of the river. These mountains appear rounded, massive and higher than any yet met with, and seem to form a barrier across the valley, which here opens out into a wide basin, enclosed on the east and west side by high mountains and receiving the Kwahteetah, a considerable stream, from the eastward.

This basin lies near the general axis of the range which has been before referred to as the mountains parallel to the coast.

The line marked on the river as the boundary between the Dominion and the territory of the Alaska crosses the lower end of the basin above described, and will be more particularly noticed below.

Turned abruptly aside from its southward course, by this mountain barrier, the river seeks a course of N. 59° W., and continues thus longitudinally through the heart of the range for 8½ miles. It then runs S. 75° W. for 5¾ miles, and thence S. 36° W. 8 miles to Point Rothesay, a low promontory on its left bank near the coast line, and the initial point of this survey.

A barren sandy track extends along the river valley for 12 miles above Rothesay Point, named appropriately "the Desert" by early explorers.

A wide track of sandy flats, covered at high water, extends from the river mouth to the north and westward.

A branch, leaving the main river 8½ miles from its mouth, falls into Frederick Sound in latitude 56° 48′ N.

remarkable glaciers found on the right bank of the river may dentally referred to here. They are seven in number, the first d the last 95 miles from the river mouth.

nost interesting is the Great Glacier, opposite the Ice Mountain 36 or 37 miles from the coast. It extends along the river 3½ Its surface slopes gently to the river, and, though apparently s gashed by numerous deep crevices. It presents to the east g the river nearly along its whole length, a rough perpendicular) feet high.

source of this glacier is unknown, but it is said to have been o the northward for 80 miles, and seems to lie along the shaded flanks of the coast mountains.

idering the narrow limits within which the operations of the were necessarily confined, it is evident that, to have determined on this boundary stretching, as it does, along the summit of a nountain range, whose position and features are little known, ork not free from difficulty.

however, confidently believed that, should a more extended ation at any future time be made, the following results will be satisfactory:—

aving identified Rothesay Point, on the coast of the delta of ine River, a monument was erected thereon, from which the of the river was commenced, and from which was estimated marine leagues referred to in the Convention. This monu- nsists of an earth pyramid, ten feet wide at the base and six h, with a post in the centre eight feet high and twelve inches upon which was written: "Stakine River Boundary Survey. oint lat. 56° 34′ 10″ N.; long. 132° 28′ W., 1877."

survey was made of the river for 53.99 miles up, which enabled ark a point on the left bank thereof, ten marine leagues from it. The angles were taken with a transit, the bearings checked azimuths, and the measurements effected by chaining.

ark the point ten marine leagues from the coast, a cottonwood s cut off nine feet from the ground, and squared for three feet e of fourteen inches, around which a protective cribbing of s built.

ne west face of this post or stump, fronting the river, was the following:—

marine leagues (or 182,595 feet) at right angles, or N. 58° E. stronomical from a line bearing N. 32° W. astronomical, and assing through a monument on Rothesay Point, mouth of iver, N. 32° W. astronomical, being the general bearing of the ne, 20th April, 1877."

ollowing bearing trees were observed and marked:—

A cottonwood	18 inches	in diameter,	45′ S., 28° W.
do.	20	do.	35′ N., 17° W.
do.	14	do.	37′ N., 4″ E.

oint thus fixed is on a cottonwood flat, on the east bank, 20 ve the level of the river, and 35 feet east of high water mark.

surveying the river, all the features on it of consequence were The exact position of the Canadian Custom House and other s have been laid down on the plan herewith submitted. The n and height of several of the highest mountains were deter- by triangulation and sextant altitude.

4. My attention has been given to a tracing made by His Honour Chief Justice Begbie, on which is a red dotted line, believed to have been laid down by the Chief Justice to mark the intersection of the Stikine Valley by a line connecting the nearest peaks on either side of the coast range of mountains.

5. I have verified this sketch, and represented on the plan by a blue broken dotted line the approximate position of the red dotted line on the sketch of the Chief Justice.

The crossing of the river (which occurs within ten marine leagues of the coast) by a line in the words of the Treaty "following the summit of the mountains parallel to the coast" is shown on the plan by a red broken dotted line.

6. This line crosses the centre of the Stikine at a point in lat. 56° 38′ 17″ N., and long. 131° 58′ 14″ W. distant from the monument on Rothesay Point by the river 24·74 miles, and from the coast line in a direction at right angles thereto 19·13 miles.

Ten miles S. 73° 45′ E. from this crossing is situated Mount Whipple, the highest summit visible from the vicinity of the river. Its altitude is 6,200 feet above the level of the sea.

From Mount Whipple the summit line runs S. 88° W., connecting two high mountains, the altitudes of which above the sea are 5,000 and 4,500 feet.

From the last of these mountains the line crosses the river on a bearing of N. 8° 50′ W. to a mountain 3,863 feet high on the right bank, and thence the summit, as seen from the top of a high mountain opposite the mouth of Iskoot River, seems to run in a direction parallel to the coast.

The line thus established along the general summit of the mountains parallel to the coast is marked on each side of the river by a post 18in. by 14in., and 9ft. long. These posts, 4,329 feet apart, are sunk in the ground 4½ft., and protected by cribbing of logs 9ft. square and 6ft. high.

Bearing trees were observed and marked as follows:—

To the post on north or right branch of river, 30 feet north from high water mark:—

A spruce,	2 feet	in diameter,	115′ S. 85° E.
Do.	3	do.	100′ S. 54° E.
Do.	2	do.	70′ S. 2° E.

To the post on south or left hand, 20 feet south from high water mark:—

A cottonwood,	30 inches	in diameter,	15′ N. 30° W.
A spruce,	14	do.	40′ N. 72° E.
Do.	12	do.	41′ S. 50° W.

The line was produced from the north boundary post to the base of the high ground on the north side of the valley, a distance of 2,900 feet, where a spruce line tree, 16 inches diameter, was blazed and marked, and from which the following bearing trees were taken:—

A spruce,	10 inches	in diameter,	32′ N. 80° W.
Do.	11	do.	11′ N. 45° W.
A hemlock,	12	do.	35′ N. 30° E.

7. The general bearing of the coast has been taken as N. 32° W. or S. 32° E. (true), and the ten marine leagues have been estimated at right angles thereto, or N. 58° E.

8. I was fortunate in procuring the professional assistance of Mr. W. W. Russell, who has contributed largely to the results tated.

I have the honour to be, sir, your obedient servant,

(Signed) Jos. HUNTER.

DENNIS, Esq.,
Surveyor General, Ottawa, Canada.

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of Joseph Hunter, C. E., as to place where assault by Peter Martin was committed.

VICTORIA, B. C., *June —, 1877.*

I have the honour to acknowledge receipt of your instructions 064), dated 3rd March last, directing me to mark on the map of tine River, to be returned with my report, the place where the was committed in September last by Peter Martin on the an Frank Beegan, and setting forth generally the circum- of the case.

point marked "B" on the tracing herewith submitted was out to me by Frank Beegan above named, who formed one of ty on the survey of the Stikine River, as being very near the here the assault referred to was committed.

precise spot where the assault took place could not be identified, s of the trees in the locality had been cut down subsequent to ber last, and as the ground at the time of the survey was with snow, the spot (B) pointed out by Beegan, if not correct, ved to be within one hundred yards of the actual spot where the was committed.

point (B) is thirteen miles from the mouth of the Stikine, and id a half miles within the United States territory of Alaska, as by the boundary line as shewn on the tracing above referred to.

I have the honour to be, sir, your obedient servant,

(Signed) Jos. HUNTER.

DENNIS, Esq.,
Surveyor General, Ottawa, Canada.

The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET, *August 16, 1877.*

LORD: With reference to my despatch of the 21st March, and to s correspondence on the same subject, I have now the honour municate to you the views of Her Majesty's Government, after consultation with the Law Officers of the Crown, in ce to the case of Peter Martin, for whose release an application n made by the Government of the United States.

Majesty's Government are advised that the demand of the States for the release of Peter Martin cannot properly be

mmunicating with the United States authorities, it should be hat Peter Martin is surrendered on the ground that he was a conveyed through United States territory.

The unauthorized conveyance of a prisoner through the territories of a foreign Power is an infraction of the rights of sovereignty of such Power, and entitles that Power to demand the liberation of the prisoner, even after he has left those territories in which he was detained, and from which he has been taken without the authority and in violation of the law of the country.

This right to demand the liberation of a prisoner conveyed without authority through the territory of a foreign Power, is not affected by the question whether the prisoner is, or is not, a subject of the foreign Power.

Being of opinion that the rights of free navigation now depend upon the 26th Article of the Treaty of Washington, which expressly states the navigation to be open for the purposes of commerce, Her Majesty's Government are of opinion that a prisoner cannot lawfully be conveyed through Alaska by the Stikine River.

232 It will be well, therefore, that the Canadian Government should take early steps for the liberation of Peter Martin.

I have, &c.

(Signed) CARNARVON.

Governor General the Right Honourable
The EARL OF DUFFERIN, K. P., G. C. M. G., K. C. B., &c., &c., &c.

The Deputy Governor to Her Majesty's Chargé d'Affaires.

No. 26.] OTTAWA, *September 20, 1877.*

SIR: With reference to previous correspondence regarding the case of Peter Martin, I have the honour to transmit herewith, for such action as you may think fit, a copy of a Minute of Council which will inform you that the Canadian Government intend to set that prisoner at liberty.

A copy of this minute has been forwarded to the Secretary of State for the Colonies.

I have, &c.

(Signed) W. B. RICHARDS,
Deputy Governor.

The Honourable F. R. PLUNKETT,
Her Majesty's Chargé d'Affaires, Washington.

Copy of a Report of a Committee of the Honourable the Privy Council approved by His Honour the Deputy of His Excellence the Governor General in Council on the 19th September, 1877.

The Committee of the Privy Council have had under consideration the despatch from the Right Honourable Her Majesty's Secretary of State for the Colonies of the 16th August, 1877, having reference to the case of Peter Martin.

They have also had before them the report (hereunto annexed) of the Hon. the Minister of Justice, to whom the said despatch was referred, and they respectfully report their concurrence in the views and recom-

ions therein contained, and advise that a copy thereof and of nute be transmitted to Her Majesty's Government as well as Lieutenant Governor of British Columbia, for his confidential ation.
fied.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

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r *Report from the Minister of Justice of Canada upon the case of Peter Martin.*

DEPARTMENT OF JUSTICE,
Ottawa, September 19, 1877.

the despatch of the Secretary of State for the Colonies of the igust last, with reference to the case of Peter Martin, I beg to

of the questions involved in the disposition of this case is r there exists, since the date of the Treaty of Washington, a the part of Britain to transport criminals *via* the Stikine

eport of my predecessor of the 5th February, 1877, transmitted olonial Secretary as expressive of the views of the Canadian ment, deals fully with the whole case.
lespatch now under report communicates the views of Her Majesty's Government adopted after consultation with the Law Officers of the Crown on the case. In this despatch the rights f Great Britain to the navigation of the Stikine are thus

rd to the rights of Great Britain to the navigation of the Stikine, Her Government are of opinion that by clause 6 of the Treaty of the 30th , 1867, between Russia and the United States, which declared the cession of ory and Dominion to be free and unincumbered by any reservation, &c., d virtually revoke the permission she had granted to Great Britain by the on of 1825, in regard to the free and unrestricted navigation of the rivers rough that territory to the sea; and although Russia could not voluntarily, out the consent of Great Britain, withdraw the right conferred by that Con- hat right, whatever may have been the nature of it, has been lost by the n which led to the Treaty of Washington and by that Treaty itself.
onstrued the stipulations contained in the 26 clause of the Treaty of Wash- e new rights, and amount to that extent and in that sense to an admission former rights were abrogated.
the rights of free navigation under the Convention of 1825 still existed, it a matter of doubt whether the conveying a prisoner through American uld be within the terms of the Convention.
herefore of opinion that the rights of free navigation now depend upon the le of the Treaty of Washington, which expressly states the navigation to or the purposes of commerce, Her Majesty's Government are of opinion soner cannot lawfully be conveyed through Alaska by the Stikine River.

olonial Secretary states that Her Majesty's Government are of that the demand of the United States for the release of Martin roperly be rejected, and that it will be well that early steps e taken for his liberation.
ver difficult it might be to protract the controversy after the ement that Her Majesty's Government (through which our

relations with foreign Powers are arranged) has, after consideration of our views, reached the painful conclusion that our rights existing at the time of the Treaty of Washington have been lost through that Treaty, I should feel great hesitation in recommending the adoption without further discussion of any course which should finally settle the general question adversely to us.

But the report of the exploratory survey of Mr. Joseph Hunter, recently made under instructions from this Government, renders it tolerably plain that the affairs on the river bank took place within the United States territory.

If this be so, there was probably a violation of the sovereignty of the United States which renders it proper that the demand of that Power for the liberation of Martin should be granted, even as to the sentence awarded at Laketown.

As to the sentence awarded at Victoria, the same result would follow, even independently of the view taken by my predecessor (in which I concur) that this conviction is not sustainable.

Upon the whole, therefore, I advise that the remainder of the Laketown sentence and the whole of the Victoria sentence awarded against Peter Martin be remitted, and that he be discharged from custody.

I recommend, however, that, in communicating the result to Her Majesty's Minister at Washington for the information of the Government of the United States, it be stated that the ground of the action is that after enquiry it appears that Martin was a prisoner conveyed through United States territory without stating whether the territory referred to is the river or the shore, so that the very important general questions involved may be left as far as possible still at large.

Having regard to the despatches of the Lieutenant Governor of British Columbia, both on the special case and on the importance of transporting prisoners *via* the Stickeen, I recommend that a copy of this report, if approved, be transmitted to the Lieutenant Governor for the confidential information of his Government, and that his attention be called to the necessity in the present position of the question of discontinuing the transport of prisoners by that route.

(Signed) R. LAFLAMME.

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234 *The Deputy Governor to the Earl of Carnarvon.*

OTTAWA, *20th September, 1877.*

MY LORD: With reference to previous correspondence, relating to the case of Peter Martin, I have the honour to transmit herewith a copy of a minute of Council from which your Lordship will learn that the Canadian Government intend to set that prisoner at liberty, in accordance with the suggestion contained in your Lordship's despatch of the 16th ultimo.

I have communicated a copy of this minute of Council to the British Chargé d'Affaires at Washington.

I have, &c.

(Signed) W. B. RICHARDS.

The Right Honourable The EARL OF CARNARVON, &c., &c., &c.

The Earl of Carnarvon to the Earl of Dufferin.

'9.] DOWNING STREET, *20th September, 1877.*

LORD: I have the honour to acknowledge the receipt of the y Governor's despatch No. 45, of the 31st August, inclosing, ther papers, a copy of a report by Mr. Joseph Hunter, C. E., the result of the survey of part of the Stickeen River, which le under instructions from your Government, with the view of ıg with approximate accuracy the point where the boundary ɔn Alaska and the British possessions crosses the river.

I have, &c.

(Signed) CARNARVON.

ernor General The EARL OF DUFFERIN, &c., &c., &c.

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lonourable F. R. Plunkett to the Honourable W. B. Richards.

.] WASHINGTON, *October 10, 1877.*

I have the honour to inclose herewith a copy of the note which received from the Secretary of State, in reply to my announce- that the Canadian Government had decided on setting Peter ı at liberty.

will perceive that Mr. Evarts informs me that this action is ratifying to the Government of the United States.

I have, &c., &c.

(Signed) F. R. PLUNKETT.

Honourable WILLIAM B. RICHARDS, &c., &c., &c.

Mr. Evarts to Mr. Plunkett.

DEPARTMENT OF STATE,
Washington, 9th October, 1877.

I have the honour to acknowledge the receipt of your note of th ultimo, informing me that the Dominion Government has concluded the inquiry into the circumstances of the case of Peter Martin, and has decided upon setting him at liberty without delay, and, in reply, to state that this action on the part of the ı authorities in Canada is very gratifying to this Government.

I have, &c., &c.

(Signed) W. M. EVARTS.

Honourable F. R. PLUNKETT, &c., &c., &c.

Mr. Plunkett to the Deputy Governor.

ɜ.] WASHINGTON, *October 9, 1877.*

With reference to your despatch No. 17, of the 31st August, previous correspondence respecting the unsettled line of frontier ɜn British Columbia and Alaska, I have the honour to inclose ith, for your information, copy of a note which I addressed to

the Secretary of State on the 1st inst., again calling his attentic view of the approaching meeting of Congress, to the necessity of measures being taken for the settlement of this important questi

I have not as yet received any reply to my communication.

In the course of the summer I have several times spoken, bo Mr. Evarts and Mr. Seward, about this matter. I regret, how to say that, while always acknowledging its great importance, gentlemen never held out much hope that Congress could be inc to appropriate any considerable sum of money to a question w after all, was not of immediate importance, when they had so other urgent claims upon their resources. This reasoning I always answered by urging that it is much easier to settle a que before it grows to be important, and while no excitement about felt upon by either side; the United States Government therefore to see the wisdom of at once coming to some arrangement with Britain, and if they cannot obtain money sufficient for a full su they should at least accept our proposal to fix certain spots wher rivers pass out of British into American territory.

Mr. Seward in my last interview, promised he would see wh anything can be done this Session to meet the wishes of Her Maj Government in this respect.

I have, &c.

(Signed) F. R. PLUNKE

The Honourable W. B. RICHARDS,
Deputy Governor.

Mr. Plunkett to Mr. Evarts.

WASHINGTON, *October 1, 18*

SIR: As we are now approaching the date when Congress wi again assembled in this city, I venture to call your attention t subject of the unsatisfactory state of uncertainty which exists the exact boundary between the territory of Alaska and the adj British possessions.

You are aware that Her Majesty's Government have, on se occasions, called the attention of the late Administration to this m and both Sir Edward Thornton and I have repeatedly urged, verb upon you and Mr. Seward the importance of at once endeavouri come to some understanding upon a question which, if left unse may become more complicated as the country thereabouts bec more thickly inhabited.

Sir Edward Thornton, in his note to Mr. Fish of the 15th o January, acting on instructions received from the Earl of Derby, u the United States Government to unite in a Joint Commission to d mine where the boundary intersects the Stikine River, and also other points on the frontier as might be considered advisable; a furthermore suggested that if there were reasons which prevente United States Government from taking steps for settling
236 boundary line, some *modus vivendi*, at least, should be a upon by which no fresh claim injurious to either party cou raised or strengthened.

To that note Mr. Fish replied, on the 20th of the same month, the attention of Congress had been requested to the subject.

gress, however, separated without any action having been taken, herefore have the honour again to bring the matter to the notice United States Government, and to express the hope that steps f possible, be taken for calling the attention of Congress to this ant question.
I have, &c.

(Signed) F. R. PLUNKETT.

Honourable W. M. EVARTS, &c., &c., &c.

Mr. Plunkett to the Deputy Governor.

] WASHINGTON, *October 11, 1877.*

With reference to my despatch No. 73, of the 9th instant, I ie honour to enclose a copy of a note which I have received from retary of State of the United States acknowledging the receipt note of the 1st instant, from which you will perceive that Mr. states that the question of determining the boundary between and the adjacent British possessions will again be brought to ntion of Congress upon the reassembling of that body.
[have, &c.

(Signed) F. R. PLUNKETT.

Honourable W. B. RICHARDS, *Deputy-Governor.*

Mr. Evarts to Mr. Plunkett.

DEPARTMENT OF STATE,
Washington, October 10, 1877.

I have the honour to acknowledge the receipt of your note of instant, relative to the determination of a boundary between and the adjacent British possessions, and to inform you in reply subject will again be brought to the attention of Congress ie reassembling of that body.
have, &c.

(Signed) WM. M. EVARTS.

Honourable F. R. PLUNKETT, &c., &c., &c.

[Canada—No. 314.]

The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET,
November 9, 1877.

ORD: With reference to my despatches, noted on the margin, he honour to transmit to your Lordship, for your information, and for that of your Ministers, a copy of a despatch received through the Foreign Office from Her Majesty's Chargé d'Affaires at Washington, inclosing copies of a note addressed by him to the United States Secretary of State, and Mr. Evarts' reply respecting the impor-

of State
r Gen'l,
. 13, 1877
. 20, 1877
. 23, 1877

hich Her Majesty's Government attach to measures being taken

for some settlement of the boundary line between Alaska and B
Columbia.

I have, &c.

(Signed) CARNARV

Governor-General The Right Honourable
The EARL OF DUFFERIN, K. P., G. C. M. G., K. C. I

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237 *Hon. F. Plunkett to the Earl of Derby.*

No. 311.] WASHINGTON, *October 16, 18*

MY LORD: With reference to Sir Edward Thornton's despatc
93, of the 26th of March, I have the honour to inform your Lor
that I have not failed at various times during the past summ
remind the State Department of the great importance which
Majesty's Government attach to measures being taken for some s
ment of the boundary line between British Columbia and Alaska

As the time for summoning the extra session approached, I rev
more frequently to the subject in my conversations with Mr. Se
and I also addressed to Mr. Evarts a note, copy of which is her
inclosed.

Your Lordship will see from the accompanying copy of the
which I received in reply from Mr. Evarts, that this subject will
be brought to the attention of Congress upon the reassembly of
body.

I have, &c.

(Signed) F. R. PLUNKE

The EARL OF DERBY.

The Earl of Dufferin to the Earl of Carnarvon.

No. 245.] OTTAWA, *December 6, 18*

MY LORD: With reference to previous correspondence, relati
the importance of determining the boundary line between B
Columbia and Alaska, I have the honour to transmit herewith to
Lordship a copy of a Minute of the Privy Council of Canada,
which your Lordship will observe that my Ministers do not regr
pressing the necessity of settling any of the points of the bou
between these territories, except at the crossing of the Stickeen I

Papers showing the result of the survey by Mr. Hunter, to v
allusion is made in the including paragraph of this Minute of Co
were communicated to your Lordship in a despatch from the De
Governor, No. 45, of the 31st of August last.

I have, &c.

(Signed) DUFFER

The Right Honourable The EARL OF CARNARVON, &c., &c., &

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*Copy of a Report of a Committee of the Honourable the Privy Council, approved
Excellency the Governor-General in Council on the 6th December, 1877.*

The Committee of Council have had under consideration the despatch No.
9th November, 1877, from the Right Honourable the Secretary of State for the
nies, transmitting a copy of a despatch received through the Foreign Office fro

Chargé d'Affaires at Washington, enclosing copies of a note addressed by
e United States Secretary of State, and of Mr. Evarts' reply, respecting the
ce which Her Majesty's Government attach to measures being taken for
lement of the boundary line between Alaska and British Columbia.
nourable the Minister of Public Works, to whom said despatch with inclo-
referred, submits in a report, dated 3rd December, 1877, the following
or the consideration of Council:—
port to Council, dated 21st November, 1876, a narrative was given of the
n at various times by the Government of the Dominion and the Imperial
ent, from September 20th to that time. Attention was also drawn to
ns given to local revenue officers in Alaska by the Secretary of the Treasury
ngton "which, if carried out, would seriously complicate existing arrange-
nts, and defeat the expectation of an early settlement."
he instructions in question were, in fact, directions to the United States
toms officers to assume that to be Alaska territory which had hitherto been
umed to be Canadian soil, and which the Canadian Government believed
d prove to be so, in accordance with the Russian Treaty of 1825.
nadian Government protested against the proposed action of the United
vernment, and insisted that the rights of British subjects as they then
ould be maintained, pending a determination of the boundary line by the
ority of the two nations.
ort (and Minute of Council based on the same) of the Minister of Public
ferred to recommended finally, "that Her Majesty's Government should
uest the United States Government to join in a Joint Commission to deter-
the point where the boundary line intersects the Stikine River, and such
nts of those mentioned by Mr. Fish in his communication to Sir Edward
, of February, 1873, as may be considered advisable; and that, in the mean-
status quo should be maintained."
nts indicated by Mr. Fish were the head of the Portland Canal, the Rivers
ikine, Taku, Isalcat, and Chelkalit, Mount Elias, and the point where the
ee of west longitude crosses the Rivers Yukon and Porcupine.
nister advises that Her Majesty's Imperial Government be informed that
ms to be no pressing necessity for determining the exact boundary line at
s named by Mr. Fish, except the crossing of the Stikine River, as that
e highway to some important mining districts in British Columbia.
calls attention to the survey made of this river and the coast range of hills
tland Channel to the Stikine by J. Hunter, C. E., during the past season,
tablishes conclusively that the point hitherto assumed to be about the
line on the Stikine River is much further from the sea than the true
. Copies of Mr. Hunter's Report, with a map, have been transmitted to
h Minister at Washington, and to the Secretary of State.
mmittee recommend that a copy of this Minute be transmitted to the
of State for the Colonies, and to the British Minister at Washington.
d.

(Signed) W. A. HIMSWORTH,
Clerk Privy Council.

The Earl of Dufferin to Sir E. Thornton.

OTTAWA, *December 7, 1877.*

With reference to previous correspondence on the subject of
rmination of the boundary between Alaska and British Colum-
ave the honour to transmit herewith a copy of a Minute of
from which you will perceive that my Ministers do not regard
ling the necessity of exactly marking the boundary at any
except at the crossing of the Stikine River.
e transmitted a copy of the Minute to the Secretary of State
Colonies.
have, &c.

(Signed) DUFFERIN.

ight Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

Sir E. Thornton to the Earl of Dufferin.

No. 89.] WASHINGTON, *December 13, 1877.*

MY LORD: In consequence of the receipt yesterday of your Exce
lency's despatch No. 81, of the 7th instant, I called to-day at the Sta
Department for the purpose of urging upon Mr. Evarts t
239 expediency of taking early measures for deciding upon t
boundary between the Dominion of Canada and the Unit
States territory of Alaska. Not finding him, however, I spoke
Mr. Seward on the subject, and suggested that if Congress could n
be induced to grant a sum of money to lay down the whole boundar
or even the points formerly indicated by Mr. Fish, at least the boun
ary point upon each bank of the Stikine might be decided upon, wit
perhaps, a few miles into the interior from each of those points.

Mr. Seward then asked me whether, perhaps, an arrangement cou
not be made to send an engineer officer on each side to the Stikin
who should agree, to the best of their ability, to the boundary poir
on that river, on the understanding that their decision should not
final, but should be recognized by both Governments until a regul
commission could be appointed, which would definitely lay down t
boundary.

I replied that I would consult your Excellency unofficially wi
regard to this suggestion, and I should therefore feel obliged if y
would obtain the opinion of your Government as to the expediency
an arrangement of this temporary character.

I have, &c.

(Signed) EDWARD THORNTON.

His Excellency The EARL OF DUFFERIN, K. P., &c., &c., &c.

The Earl of Dufferin to Sir E. Thornton.

No. 83.] OTTAWA, *December 24, 1877.*

SIR: With reference to your despatch No. 89, of the 13th instant,
have the honour to enclose herewith a copy of a Minute of Coun
dealing with the suggestion of Mr. Seward that the Canadian Gover
ment and the Government of the United States should agree several
to send an engineer officer to determine provisionally the points of t
boundary line of Alaska upon the Stikine River.

I have, &c.

(Signed) DUFFERIN.

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

P. S.—I am transmitting a copy of this Minute to the Secretary
State for the Colonies.

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*Copy of a Report of a Committee of the Honourable the Privy Council approved by H
Excellency the Governor General in Council on the 21st December, 1877.*

The Committee of Council have had before them a report from the Honourab
the Minister of Public Works, stating that he has considered the suggestions co
tained in Sir Edward Thornton's despatch No. 89, of the 13th December, 187
respecting the determination of the Alaska boundary.

British Minister reports that he called at the State Department for the purpose
g upon Mr. Evarts the expediency of taking early measures for deciding the
; but, "not finding him," spoke to "Mr. Seward upon the subject, and sug-
hat if Congress could not be induced to grant a sum of money sufficient to lay
ne whole boundary, or even the points formerly indicated by Mr. Fish, at
a boundary point upon each bank of the Stikine might be decided upon, with,
, a few miles into the interior from each of these points.
Seward than asked me whether, perhaps, an arrangement could not be made
) send an engineer officer on each side to the Stikine, who should agree, to the
est of their ability, to the boundary points on that river, on the understanding
at their decision should not be final, but should be recognized by both Gov-
ts until a regular commission could be appointed, which would definitely lay
ne boundary."
linister of Public Works recommends that your Excellency be requested to
Sir Edward Thornton that the Canadian Government have already sent an
ineer officer, that copies of the official report, with map, have been sent to
ish Legation, and for the Department of State at Washington.
it would appear reasonable to expect that the United States Government
ccept the boundary line so ascertained until the exact line can be regularly
ned.
Minister of Public Works further recommends that the British Minister
ne requested to make this proposal to the United States Government, as such
would save all expenditure at present, but to intimate, if this should not be
ble, that the Canadian Government will be prepared to accept the suggestion
nt an officer, in conjunction with a similar appointment on the part of the
States, to report on a conventional line which should be considered the
y until regularly determined otherwise.
Committee concur in the foregoing recommendations of the Minister of
Works, and submit the same for your Excellency's approval.
ied.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

The Earl of Dufferin to the Earl of Carnarvon.

5.] OTTAWA, *December 24, 1877.*

LORD: With reference to previous correspondence on the
of the unsettled boundary between Alaska and British Colum-
ave the honour to enclose herewith to your Lordship copies of
despatches from the British Legation at Washington.
ansmit, further, a copy of the Minute of a Privy Council of
, dealing with the suggestion of Mr. Seward, as reported in the
med despatch, that the Governments of Canada and of the United
might agree to send engineer officers who should in concert
ine provisionally the points of boundary line upon the Stikine

r Lordship will observe that my Government are of opinion
e provisional survey of these points, already made by an engi-
ficer under their direction, shall be accepted by the Government
United States; and your Lordship will find the report of this
inclosed in the Deputy Governor's despatch No. 45, of the 31st
t last.
I have, &c.

(Signed) DUFFERIN.

Right Honourable The EARL OF CARNARVON, &c., &c., &c.

(MAP.)

Sir E. Thornton to the Earl of Dufferin.

No. 11.] WASHINGTON, *February 21, 1878.*

MY LORD: With reference to your Excellency's despatch No. 3, of the 12th ultimo, I have the honour to enclose copy of a note which I addressed to Mr. Evarts, on the 19th ultimo, relative to the boundary points on the River Stikine, between the Dominion of Canada and the territory of Alaska.

241 I have now received an answer from Mr. Evarts upon this subject, copy of which is also enclosed, and shall feel obliged if your Excellency will inform me whether your Government will agree to the conditions proposed by the Government of the United States, on its acceptance of the suggestion contained in your Excellency's above-mentioned despatch, that the boundary line across the River Stikine, as laid down by Mr. Hunter, should be provisionally adopted.

I have, &c.

(Signed) EDWARD THORNTON.

His Excellency The EARL OF DUFFERIN, K. P., &c., &c., &c.

Sir E. Thornton to Mr. Evarts.

WASHINGTON, *January 19, 1878.*

SIR: On the 7th ultimo I called at the Department of State for the purpose of again submitting to you the expediency of taking some steps with a view to laying down the boundary between Alaska and British Columbia. Not finding you on that day, I had a conversation upon the subject with Mr. Seward. I urged that, at least, the boundary point on each bank of the Stikine River might be laid down, with, perhaps, a few miles into the interior from each of those points. Mr Seward then suggested that, perhaps, an arrangement might be made to send to the Stikine River an engineer officer from each country, and that these officers should agree, to the best of their ability, upon the boundary points on that river, on the understanding that their decision should not be final, but should be recognized by both Governments until a regular Commission could be appointed which would definitively lay down the boundary.

Mr. Seward will doubtless have communicated to you the suggestion which he made to me on that occasion, and which I subsequently transmitted to the Governor-General of Canada.

In reply, His Excellency has informed me that in March last the Canadian Government instructed an able engineer officer, Mr. Joseph Hunter, to execute a survey of a portion of the Stikine River, for the purpose of defining the boundary line where it crosses that river between the Dominion of Canada and the territory of Alaska.

These instructions were carried out, and I have now to transmit herewith a copy of Mr. Hunter's report, accompanied by a map, showing the points where the boundary line crosses the river.

Lord Dufferin has directed me to enquire whether the Government of the United States would be disposed to accept the boundary line so ascertained, until the exact line can be regularly determined, as such a course would save all expenditure for the present.

If, however, this proposal should not be acceptable, the Canadian Government would be prepared to accept the suggestion made by Mr

:d, that an officer should be appointed, in conjunction with a
r appointment on the part of the United States, to report on a
ntional line which should be considered the boundary until regu-
determined otherwise.
ıall feel much obliged if you will do me the honour of informing
the views of your Government upon this subject.
I have, &c.

(Signed) EDWARD THORNTON.

Honourable W. M. EVARTS.

Mr. Evarts to Sir E. Thornton.

DEPARTMENT OF STATE,
February 20, 1878.

: Referring to your communication of the 19th of January last,
my reply of the 24th of that month, in regard to the boundary
en Alaska and British Columbia, I have now the honour to
ı you that this Government has no objection to the temporary
ement thus indicated, provided it be thus understood, on the
f both Governments, that it is not to be construed as affecting
manner the rights under the treaty to be determined whenever
; survey shall be made, whether by a formal commission or by
s detailed for the purpose of establishing a point, as recently
ıted.
I have, &c.

(Signed) WM. M. EVARTS.

Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

The Earl of Dufferin to Sir E. Thornton.

.] OTTAWA, *March 2, 1878.*

With reference to your despatch No. 11, of the 21st ultimo, I
he honour to enclose herewith a copy of a Minute of the Privy
il of Canada expressing the assent of my Government to the
ıtanding that the provisional arrangement in regard to the Alaska
ıry shall not be held to affect the treaty rights of either party.
I have, &c.

(Signed) DUFFERIN.

Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

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a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council on the 28th February, 1878.

ommittee of Council have had under consideration the despatch of 21st Feb-
878, of the British Minister at Washington to your Excellency, having refer-
the Alaska boundary.
lward Thornton reports in this despatch that, having submitted the proposi-
the Canadian Government to Mr. Evarts, namely, that both Governments
ıccept *pro tempore* the line reported by Mr. Hunter, Civil Engineer, on both
ıf the Stikine River, Mr. Evarts, in a letter dated February 20th, says that
ted States Government "has no objection to the temporary arrangement thus
ıd, provided it be distinctly understood, on the part of both Governments,

Sir E. Thornton to the Earl of Dufferin.

No. 11.] WASHINGTON, *February 21, 1878.*

MY LORD: With reference to your Excellency's despatch No. 3, of the 12th ultimo, I have the honour to enclose copy of a note which I addressed to Mr. Evarts, on the 19th ultimo, relative to the boundary points on the River Stikine, between the Dominion of Canada and the territory of Alaska.

241 I have now received an answer from Mr. Evarts upon this subject, copy of which is also enclosed, and shall feel obliged if your Excellency will inform me whether your Government will agree to the conditions proposed by the Government of the United States, on its acceptance of the suggestion contained in your Excellency's above-mentioned despatch, that the boundary line across the River Stikine, as laid down by Mr. Hunter, should be provisionally adopted.

I have, &c.

(Signed) EDWARD THORNTON.

His Excellency The EARL OF DUFFERIN, K. P., &c., &c., &c.

Sir E. Thornton to Mr. Evarts.

WASHINGTON, *January 19, 1878.*

SIR: On the 7th ultimo I called at the Department of State for the purpose of again submitting to you the expediency of taking some steps with a view to laying down the boundary between Alaska and British Columbia. Not finding you on that day, I had a conversation upon the subject with Mr. Seward. I urged that, at least, the boundary point on each bank of the Stikine River might be laid down, with, perhaps, a few miles into the interior from each of those points. Mr. Seward then suggested that, perhaps, an arrangement might be made to send to the Stikine River an engineer officer from each country, and that these officers should agree, to the best of their ability, upon the boundary points on that river, on the understanding that their decision should not be final, but should be recognized by both Governments until a regular Commission could be appointed which would definitively lay down the boundary.

Mr. Seward will doubtless have communicated to you the suggestion which he made to me on that occasion, and which I subsequently transmitted to the Governor-General of Canada.

In reply, His Excellency has informed me that in March last the Canadian Government instructed an able engineer officer, Mr. Joseph Hunter, to execute a survey of a portion of the Stikine River, for the purpose of defining the boundary line where it crosses that river, between the Dominion of Canada and the territory of Alaska.

These instructions were carried out, and I have now to transmit herewith a copy of Mr. Hunter's report, accompanied by a map, showing the points where the boundary line crosses the river.

Lord Dufferin has directed me to enquire whether the Government of the United States would be disposed to accept the boundary line so ascertained, until the exact line can be regularly determined, as such a course would save all expenditure for the present.

If, however, this proposal should not be acceptable, the Canadian Government would be prepared to accept the suggestion made by Mr.

Seward, that an officer should be appointed, in conjunction with a similar appointment on the part of the United States, to report on a conventional line which should be considered the boundary until regularly determined otherwise.

I shall feel much obliged if you will do me the honour of informing me of the views of your Government upon this subject.

I have, &c.

(Signed) EDWARD THORNTON.

The Honourable W. M. EVARTS.

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242 *Mr. Evarts to Sir E. Thornton.*

DEPARTMENT OF STATE,
February 20, 1878.

SIR: Referring to your communication of the 19th of January last, and to my reply of the 24th of that month, in regard to the boundary between Alaska and British Columbia, I have now the honour to inform you that this Government has no objection to the temporary arrangement thus indicated, provided it be thus understood, on the part of both Governments, that it is not to be construed as affecting in any manner the rights under the treaty to be determined whenever a joint survey shall be made, whether by a formal commission or by officers detailed for the purpose of establishing a point, as recently suggested.

I have, &c.

(Signed) WM. M. EVARTS.

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

The Earl of Dufferin to Sir E. Thornton.

No. 14.] OTTAWA, *March 2, 1878.*

SIR: With reference to your despatch No. 11, of the 21st ultimo, I have the honour to enclose herewith a copy of a Minute of the Privy Council of Canada expressing the assent of my Government to the understanding that the provisional arrangement in regard to the Alaska boundary shall not be held to affect the treaty rights of either party.

I have, &c.

(Signed) DUFFERIN.

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council on the 28th February, 1878.

The Committee of Council have had under consideration the despatch of 21st February, 1878, of the British Minister at Washington to your Excellency, having reference to the Alaska boundary.

Sir Edward Thornton reports in this despatch that, having submitted the proposition of the Canadian Government to Mr. Evarts, namely, that both Governments should accept *pro tempore* the line reported by Mr. Hunter, Civil Engineer, on both banks of the Stikine River, Mr. Evarts, in a letter dated February 20th, says that the United States Government "has no objection to the temporary arrangement thus indicated, provided it be distinctly understood, on the part of both Governments,

that it is not to be construed as affecting in any manner the rights under the treaty to be determined whenever a joint survey shall be made, whether by a formal commission, or by officers detailed for the purpose of establishing a point as recently suggested."

The Honourable the Minister of Public Works, to whom the said despatch has been referred, recommends that Sir Edward Thornton be informed that the Canadian Government concur in the proposition as agreed to by Mr. Evarts, and that he be requested to communicate the same to the Government of the United States.

The Committee submit the foregoing recommendation for your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

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243 *The Earl of Dufferin to Sir M. E. Hicks-Beach.*

No. 53.] OTTAWA, *March 5, 1878.*

SIR: In continuation of my despatch No. 225, of the 24th December last, to the Earl of Carnarvon on the subject of the boundary of Alaska, I have the honour to enclose herewith copies of further correspondence between this Government and Her Majesty's Minister at Washington, from which you will perceive that an agreement has been come to with the Government of the United States that the survey of the boundary line on the Stikine River, lately made by an Engineer of the Canadian Government, shall be accepted provisionally with the understanding that the treaty rights of each party remain unaffected by this arrangement.

I have, &c.

(Signed) DUFFERIN.

The Right Honourable Sir M. E. HICKS-BEACH, Bart., &c., &c., &c.

[Canada—No. 33.]

Sir M. E. Hicks-Beach to the Earl of Dufferin.

DOWNING STREET, *March 7, 1878.*

MY LORD: I have the honour to acknowledge the receipt of your despatches No. 245 and 255 of the 6th and 24th of December last, enclosing copies of reports of the Privy Council, together with a correspondence which had passed between yourself and Her Majesty's Minister at Washington upon the subject of the proposed settlement with the United States Government of certain points on the boundary between Alaska and the Province of British Columbia.

I enclose for your information, and for that of your Government, copies of two letters from the Foreign Office, forwarding despatches from Sir E. Thornton, with the enclosures thereto which are noted in the margin, together with a copy of a letter addressed by my direction to the Foreign Office concurring in the proposed approval of the steps taken by Sir E. Thornton in this matter.

F. O. 8th Feb. 1878.
Sir E. T. to Earl of Derby, 21st Jan. '78.
Sir E. T. to Mr. Evarts, 19th Jan., '78.
F. O. Feb. 15th, '78.
C. O. to F. O. Mar. 7th., '78.

I have, &c.

(Signed) M. E. HICKS-BEACH.

Governor General the Right Hon. the EARL OF DUFFERIN, K.P., G.C.M.G., K.C.B.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, *February 8, 1878.*

SIR: With reference to my letter of the 20th of November last, I am directed by the Earl of Derby to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, the accom-
244 panying copy of a despatch from Her Majesty's Minister at Washington, together with its inclosures, relative to the Alaska boundary question; and I am to request that, in laying these papers before Sir Michael Hicks-Beach, you will state to him that his Lord ship proposes to approve Sir E. Thornton's proceedings, should there be no objection thereto.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

The UNDER SECRETARY OF STATE,
Colonial Office.

P. S.—I am to request that the original inclosures in Sir E. Thornton's despatch may be returned to this office.

Sir E. Thornton to the Earl of Derby.

No. 16.] WASHINGTON, *January 21, 1878.*

MY LORD: In my despatch No. 385, of the 17th ultimo, I had the honour to transmit to your Lordship copy of a despatch which I had addressed on the 13th of that month to the Governor-General of Canada, relative to the suggestion made by Mr. Seward, that the United States and Canadian Governments should each send an engineer officer who should agree to the best of their ability upon the boundary points on the Stikine, between the Dominion of Canada and the territory of Alaska, and the understanding that their decision should not be final, but should be recognized by both Governments until a regular Commission could be appointed which would definitely lay down the boundary.

In answer to that despatch, I received from His Excellency the one of which and of its inclosure I have the honour to inclose copies. The Minute of Council accompanying it suggests that it should be proposed to the United States Government to accept the boundary line laid down last spring by a Canadian engineer, Mr. Joseph Hunter, with regard to which a report, accompanied by a map, was made by him in June last, copy of which was, as the Deputy-Governor informed this Legation, forwarded to Her Majesty's Colonial Department at the time.

A copy of the report and accompanying map was also transmitted to Mr. Plunkett for his information by the Deputy-Governor. In the Minute inclosed in Lord Dufferin's despatch No. 83, of the 24th ultimo, your Lordship will observe the statement, "That copies of the official report, with map, have been sent to the British Legation and for the Department of State at Washington." In consequence of this statement, I deemed it proper to address to Lord Dufferin the despatch, a copy of which is inclosed, showing that for the reasons therein mentioned, Mr. Plunkett had not forwarded to the State Department copy of Mr. Hunter's report and map, but asking that, for the purpose of doing so, another copy of the map should be furnished me.

In his despatch No. 3 of the 12th instant, copy of which and inclosure is transmitted herewith, his Excellency sent me another of the map, and requested me to take such steps as I might expedient for representing to the Government of the United the views of the Canadian Government in regard to the provi determination of the Alaska boundary.

I thought that my best course would be to transmit to Mr. Ev copy of Mr. Hunter's report and map, accompanied by the n which a copy is also inclosed. In this note I have embodi
245 proposal of the Canadian Government that either Mr. Hu boundary should be provisionally accepted, or Mr. Se suggestion should be carried out. As soon as I shall receive an a to this note I shall have the honour of submitting a copy of it t Lordship.

I have, &c.

(Signed) EDWARD THORNT

The EARL OF DERBY, &c., &c., &c.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, *February 15, 1*

SIR: With reference to my letter of the 8th instant, I am di by Her Majesty's Secretary of State for Foreign Affairs to trans you, to be laid before Sir Michael Hicks-Beach, a copy of a des from Her Majesty's Minister at Washington on the subject Alaska boundary.

I have, &c.

(Signed) JULIAN PAUNCEF

The UNDER SECRETARY OF STATE, *Colonial Office.*

Sir E. Thornton to the Earl of Derby.

[No. 19.]

WASHINGTON, *January 28, 1*

MY LORD: With reference to my despatch No. 16, of th instant, relative to the boundary between Alaska and British C bia, I have the honour to inclose copy of a note from Mr. Eva answer to mine of the 19th instant, in which he states that, be definite answer can be made to my suggestion, it will be necess obtain the views of the Secretary of the Treasury. I rather from this intimation that the United States Government is disin to accept the line laid down by Mr. Hunter, even as a provi boundary.

I have, &c.

(Signed) E. THORNT

The EARL OF DERBY, &c., &c., &c.

Mr. Evarts to Sir E. Thornton.

DEPARTMENT OF STATE,
Washington, January 28, 1878.

SIR: I have the honour to acknowledge the receipt of your note of the 19th instant, suggesting a temporary agreement between the U. S. and Her Majesty's Government respecting the Alaska boundary,
246 and, in reply, to inform you that before a definite answer can be made to your suggestion it will be necessary to obtain the views of the Secretary of the Treasury to whom the subject has already been referred.

I have, &c.

(Signed) WM. M. EVARTS.

Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

The Colonial Office to the Foreign Office.

DOWNING STREET, *March 7, 1878.*

SIR: I am directed by the Secretary of State for the Colonies to acknowledge the receipt of your letters noted in the margin, inclosing despatches from Her Majesty's Minister at Washington upon the subject of the proposed settlement with the United States Government of certain points on the boundary between Alaska and the Province of British Columbia.

7th Jan., 1878.
8th Feb., 1878.
15th Feb., 1878.

I am desired to request that you will inform the Earl of Derby that Sir Michael Hicks-Beach concurs with His Lordship in the proposed approval of the proceedings of Sir E. Thornton in this matter.

I am, &c.

(Signed) W. R. MALCOLM.

The UNDER SECRETARY OF STATE, *Foreign Office.*

Sir E. Thornton to the Earl of Dufferin.

[No. 14.]

WASHINGTON, *March 18, 1878.*

MY LORD: I have the honour to inform your Excellency that, on the 6th instant, I forwarded to Mr. Evarts a copy of your despatch No. 14, of the 2nd instant, and of its inclosure relative to the boundary on the Stickeen River between the Dominion of Canada and the territory of Alaska. I now inclose copy of Mr. Evarts's note acknowledging the receipt of the above-mentioned papers, from which I understand that the Governments of the United States and Canada are now agreed as to the temporary boundary question.

I have, &c.

(Signed) EDWARD THORNTON.

His Excellency The EARL OF DUFFERIN, K. P., &c., &c., &c.

Mr. Evarts to Sir E. Thornton.

DEPARTMENT OF STATE,
Washington, March 9, 18

SIR: I have the honour to acknowledge the receipt of your no the 6th inst., and of its accompaniment from the Governor-Gener Canada, expressing the assent of that Government to the unders ing that the provisional arrangement in regard to the Alaska boun shall not be held to affect the treaty rights of either party.

I have, &c.

(Signed) WM. M. EVAR

The Right Honourable Sir EDWARD THORNTON, K. C. B., &c., &c.

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247 *The Earl of Dufferin to Sir M. E. Hicks-Beach.*

[No. 69.]

OTTAWA, *March 23, 18*

SIR: In continuation of my despatch (No. 53) of the 5th insta have the honour to transmit to you herewith a copy of a fu despatch from Sir E. Thornton relative to the undertaking with United States as to the boundary line of the territory of Alask the Stickeen River.

I have, &c.,

(Signed) DUFFERI

The Right Honourable Sir M. E. HICKS-BEACH, Bart., &c., &c., &

[Canada—No. 65.]

Sir M. E. Hicks-Beach to the Earl of Dufferin.

DOWNING STREET, *April 4, 18*

MY LORD: I have the honour to acknowledge the receipt of despatch (No. 53) of the 5th ultimo, inclosing copies of a correspond with Her Majesty's Minister at Washington relating to the boun line between the Province of British Columbia and Alaska on Stikine River.

In reference to this question, I inclose for your information an that of your Government, a copy of a despatch received through Foreign Office from Sir E. Thornton, together with a copy of a addressed to him by Mr. Evarts on the 9th ultimo.

I am glad to learn that a temporary arrangement has been con with the Government of the United States upon this subject.

I have, &c.

(Signed) M. E. HICKS-BEAC

Governor-General The Right Honourable
The EARL OF DUFFERIN, K. P., G. C. M. G., K. C. B.

Sir E. Thornton to the Earl of Derby.

[No. 66.]

WASHINGTON, *March 11, 1878.*

MY LORD: I have the honour to transmit herewith copy of a despatch and of its inclosure which I have received from the Governor-General of Canada, in which his Excellency conveys the assent of his Government to the understanding that the provisional arrangement in regard to the Alaska boundary shall not be held to affect the treaty rights of either party.

I forwarded copies of these documents to Mr. Evarts on the 6th instant, but have not yet received an acknowledgment of their receipt.

I have, &c.

(Signed) EDWARD THORNTON.

The EARL OF DERBY, &c., &c., &c.

12th MARCH.

P. S. Since writing the above, I have received from Mr. Evarts the note of which I inclose a copy, acknowledging the receipt of mine, in which I transmitted copy of Lord Dufferin's despatch and its inclosure; I understand that by this note the United States Government agrees to the provisional boundary on the Stickeen.

(Signed) E. T.

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248 *Mr. Evarts to Sir E. Thornton.*

DEPARTMENT OF STATE,
Washington, March 9, 1878.

SIR: I have the honour to acknowledge the receipt of your note of the 6th instant, and of its accompaniment from the Governor General of Canada, expressing the assent of that Government to the understanding that the provisional arrangement in regard to the Alaska boundary shall not be held to affect the Treaty rights of either party.

I have, &c., &c.

(Signed) W. M. EVARTS.

The Right Honourable Sir E. THORNTON, K. C. B., &c., &c., &c.

From William H. Dall, United States Coast and Geodetic Survey, to Dr. G. M. Dawson, of the Geological Survey of Canada.

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,
Washington, April 24, 1884.

MY DEAR SIR: Your note is received. I am glad you are pleased with the map. In regard to the Dease Lake region, I have the 1875 map, but the maps of that region are so contradictory that I thought it was best to take the river, &c., from the Western Union Telegraph Surveys and so have all that part uniform, especially as the map of 1875 bears internal evidence of being a mere sketch. Hunter's map,

the Russian maps, the Blake maps, and the 1875 maps, differ in th most extraordinary way among themselves. New surveys are needed

The matter of the boundary should be stirred up. The language o the treaty of 1825 is so indefinite that were the region included fo any cause to become suddenly of evident value, or if any serious inter national question were to arise regarding jurisdiction, there would b no means of settling it by the Treaty. There being no natura boundary and the continuous range of mountains parallel to the coas shown on Vancouver's charts, like a long caterpillar, having no exist ence as such, the United States would undoubtedly wish to fall bac on the "line parallel to the windings of the coast and which sha never exceed the distance of ten marine leagues therefrom" of th Treaty. It would of course be impracticable to trace any such wind ing line over that "sea of mountains." I should think that the botto of the nearest valley parallel to the coast might perhaps be traced an its stream form a natural boundary; even then it would be difficult t determine the line between one valley and the next. Before the ques tion has attained any importance, it should be referred to a committe of geographers, a survey should be made, and a new treaty should b made stating determinable boundaries. Perhaps at some time yo may be able to set the ball in motion on your side, and it would b only a matter of time when it would follow here.

Yours very truly,

WM. H. DALL.

Mr. Bayard to Mr. Phelps.

[No. 144.]

DEPARTMENT OF STATE,
Washington, November 20, 1885.

SIR: Shortly after assuming the duties of this office, my attentio was drawn to the circumstance that the existing boundary line betwee the Territory of Alaska and Her Majesty's possession of British Co lumbia is not only open to doubt in certain quarters, although not i doubt so far as this Government is concerned, in respect o 249 the water boundary from Prince of Wales Island through th Portland Channel, but that it is, also, with regard to the inlan frontier, which is supposed to follow a mountain range, an impract cable one to survey, if not a geographical impossibility.

The Territory of Alaska was acquired by the United States fro Russia, subject to the existing demarcation of the eastern frontier lin between Russian America and British America under the conventio between Great Britain and Russia, of February 28 (16), 1825; and th description of the line contained in Articles III and IV of that con vention was incorporated literally as to the English text thereof i the first article of the treaty between the United States and Russi concluded March 30, 1867. Copies of the latter treaty are heret annexed for your information.

I am not aware that any question concerning the true location of th line so stipulated ever arose at any time between Great Britain an Russia prior to the cession of Alaska to the United States. If an such question had arisen and was pending at the time of the cessio the United States would naturally have succeeded to the Russian inte

est therein, just as to any other right of Russia affecting the ceded territory. This Government, however, had no intimation then, and has had none since, from Her Majesty's Government that any such question existed. It is not thought likely, however, that question in this regard could have existed, as the inlet and the country through which the boundary line of 1825 ran were, in 1867, still practically unexplored.

The boundary was then, as it is still, a theoretical one, based, as it is fair to be presumed, on the charts which the negotiators had before them in 1825, and which they doubtless assumed to be a substantially correct expression of geographical facts.

It is certain that no question has arisen since 1867 between the Governments of the United States and Great Britain in regard to this boundary.

The ascertainment of the true line of demarcation under the Anglo-Russian treaty would, however, appear to have been the subject of informal consultation soon after Russian Alaska passed to the United States, but no record of any official correspondence between the two Governments is found.

In his annual message to Congress, December 2, 1872, President Grant, after referring to the then recent settlement of the San Juan Island dispute, said:

> Experience of the difficulties attending the determination of our admitted line of boundary, after the occupation of the territory and its settlement by those owing allegiance to the respective Governments, points to the importance of establishing, by natural objects or other monuments, the actual line between the territory acquired by purchase from Russia and the adjoining possessions of Her Britannic Majesty. The region is now so sparsely occupied that no conflicting interests of individuals or of jurisdiction are likely to interfere to the delay or embarrassment of the actual location of the line. If deferred until population shall enter and occupy the territory some trivial contest of neighbours may again array the two Governments in antagonism. I therefore recommend the appointment of a commission, to act jointly with one that may be appointed on the part of Great Britain, to determine the line between our territory of Alaska and the coterminous possessions of Great Britain.

An estimate of the probable cost and time of a survey of the Alaskan boundary line on the part of this Government, then made, fixed the cost at about a million and a half of dollars, and the time required as nine years in the field and at least one year more for mapping the results, which illustrates the magnitude of the labour.

The suggestion of President Grant was not then acted upon by the Congress, and does not appear to have been since revived before that body. Since that time the condition of increasing settlement apprehended by President Grant has assumed marked proportions. A territorial government has been organised for Alaska, and enterprise and capital are slowly but steadily making their way toward those distant shores.

In the judgment of the President the time has now come for an understanding between the Government of the United States and that of Her Britannic Majesty, looking to the speedy and certain establishment of the boundary line between Alaska and British Columbia. And this necessity is believed to be the more urgent, inasmuch as the treaty line is found to be of uncertain if not impossible location for a great part of its length.

In the first place the water boundary line, from the southernmost point of Prince of Wales Island to the fifty-sixth degree of north latitude, is not found uniformly located on the charts of different

modern geographers. On a majority of such charts, as, for exa
those of Staff Commander D. Pender's survey for the Admira
1868, and those of the geological survey of Canada re
250 published, the boundary follows the central line of the
channel known as Portland Inlet, while in other charts pre
by British geographers the line deflects to the northward fro
broad waters of Dixon Entrance and passes through a narro
intricate channel lying north-westward from Portland Inlet, kno
the United States Coast Survey chart of 1885 as Pearse Channel
it suddenly deflects southward again at right angles to re-enter
land Inlet, thereby appearing to make British territory of Pear
Wales Islands, and throwing doubt on the nationality of several
islands at the south-western extremity of Wales Island. This
construction is at the outset in manifest contradiction with the tr
which provided "that the island called Prince of Wales Island
belong wholly to Russia" (now, by cession in 1867, to the U
States).

There would seem to be ground in the text of Vancouver, the
inal explorer and geographer of the region, for supposing that
one time regarded Pearse Canal of later geographers as the lowe
of Portland Canal. But there are very evident reasons for bel
that this was not the construction intended by the authors
Anglo-Russian treaty of 1825, and that their purpose was the lo
of the natural boundary line in the broader channel called Po
Inlet on the Admiralty and United States Coast Survey charts.
a clear understanding of the subject, chart No. 7 of Vancouver's
the British Admiralty chart No. 2431, corrected to June, 1882,
later edition, the United States Coast Survey chart No. 700, of
and the charts of the Coast Pilot of Alaska recently issued
United States Coast Survey should be consulted. Of these,
graphic copies of Vancouver's atlas chart No. 7 and copies of the
Survey publications are herewith sent you. You can doubtless
copies of the British Admiralty chart by application in the
quarter.

The language of the treaties is:

> Commencing from the southernmost point of the island called Prince of
> Island, which point lies in the parallel of 54 degrees 40 minutes north latitu
> between the one hundred and thirty-first and the one hundred and thirt
> degree of west longitude (meridian of Greenwich), the said line shall ascend
> north along the channel called Portland Channel as far as the point of the co
> where it strikes the fifty-sixth degree of north latitude.

So far the treaties relate to the water boundary, and it is
remembered, as already remarked, that the line so described w
tended to leave Prince of Wales Island Russian territory in 182
a possession of the United States in 1867. No record has been
in print or otherwise, so far as sought, of the circumstances atte
the drawing up of the Anglo-Russian convention of 1825, which
throw light on the understanding of the negotiators on this poin
it may be assumed with confidence that the charts employed
negotiation were those of Vancouver. They were made by a
officer under the direction of the British Government, and would
fore be acceptable as a standard by that party to the convention.
were the most recent charts then extant, and for half a centur
remained the only authentic charts of that region, the Russians
at that time made no original surveys of importance in this di

Moreover, the wording of the convention of 1825 is found to be in complete accord with the features presented by Vancouver's chart, and especially with chart No. 7 in the atlas accompanying the narrative of his voyage. The description in the convention seems to be a faithful reproduction of the picture actually present to the eyes of the negotiators in that chart.

The first discrepancy that meets us is, that neither on Vancouver's nor on any other chart known does the water-way of Portland Channel strike "the fifty-sixth degree of north latitude." On Vancouver's chart No. 7 it ends in a *cul-de-sac*, about 15 miles before the fifty-sixth degree is reached. This, however, is of little importance, for, with the better topographical knowledge we now possess, we know that a conventional line, in continuation of the general trend of the mid-channel line, would strike the fifty-sixth degree of north latitude at a distance of some four or five miles inland.

While Portland Channel, Portland Canal, or Portland Inlet, as it is indifferently styled on the several charts, is and has long been readily identified as the main passage inland from the southernmost point of Prince of Wales Island, the intricate and narrow passage separating Pearse Island from the mainland is practically unsurveyed. It does not appear at all on the Pender Admiralty charts of 1868. In the United States Coast Survey charts it is conjecturally marked by dotted lines.

251 The facts that the parallel of 54° 40′, by the most recent surveys, enters the mouth of Portland Inlet, that the most navigable channel trends thence directly inland in an almost straight line, that Prince of Wales Island is in terms excluded from British territory, and that the name used in the Anglo-Russian convention of 1825 is found on all existing maps possessing authority applied to Portland Inlet or Channel, and not to Pearse Channel, lend reason and force to the conviction that it was the intention of the negotiators that the boundary line should directly follow the broad and natural channel midway between its shores, and extend, if need were, inland in the same general direction until the range of hills, hereafter to be considered, should be reached (as appears in Vancouver's chart), at or near the fifty-sixth parallel.

It is not, therefore, conceived that this water part of the boundary line can ever be called in question between the two Governments.

There is, however, ample ground for believing that the erroneous premises upon which the negotiators apparently based their fixation of the inland boundary line along the coast, render its true determination and demarcation by monuments, a matter of doubt and difficulty in carrying it into practical effect, and that, in prevision of the embarrassments which may follow delay in the establishment of a positive frontier line, it is the interest and the duty of the two Governments to reach a good understanding, which shall forthwith remove all chance for future disagreement.

The convention of 1825 continues from the point where the quotation above given ceases, as follows:—

From this last-mentioned point—

The intersection of the mid-channel line of Portland Channel with the fifty-sixth north parallel—

the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the one hundred and forty-first degree

of west longitude (of the same meridian), and finally, from the said point of section, the said meridian line of the one hundred and forty-first degree, in it longation as far as the Frozen Ocean.

Provided—

As the convention proceeds to stipulate in the second paragra the following article, IV

that whenever the summit of the mountains *which extend in a direction parallel coast* from the fifty-sixth degree of north latitude to the point of intersection one hundred and forty-first degree of west longitude shall prove to be at the di of more than ten marine leagues from the ocean, the limit between the Britis sessions and the line of coast which is to belong to Russia as above mentioned is to say, the limit to the possessions ceded by this convention) shall be form a line parallel to the winding of the coast, and which shall never exceed the di of ten marine leagues therefrom.

Here, again, there is conclusive internal evidence that the neg tors accepted as a fact and described in words the picture present their eyes by the chart actually spread before them. If we exa Vancouver's charts we find the evident reason for the lang employed in the convention. Vancouver, who to his integrity zeal as a navigator joined an excellent hydrographic faculty, seer have been but a poor topographer, and represented an impos regular land formation such as could not well exist, and has not discovered to exist anywhere on the world's surface. His c exhibit, at a moderate distance from the shore, a uniformly ser and narrow range of mountains, like an enormous caterpillar, ex ing, with a general parallelism to the shore from one end of the r in question to the other, except at scattered points where valleys i vene, which we now know to be the valleys of the Taku, Stikine other rivers. The line projected from the mid-channel line of land Channel intersects, at about the fifty-sixth degree of north tude, the backbone range in question, and were the feature Vancouver's chart a correct representation of the topography more excellent and convenient boundary could be imagined than following the depicted serrated ridge. It is not singular that, as ing the chart to be correct, both parties should have agreed to a this remarkably uniform feature as marking the boundary. The b knowledge of that region now possessed shows that Vancouver's to raphy is not correct. There is no such range of hills as indicate Vancouver's charts, and as assumed by the negotiators of the cor tion of 1825. The topography of the region in question has n yet been accurately charted, but enough is known of its natural fea

to wholly disprove the conjectural topography of Vancouv

252 Prof. William H. Dall, whose researches in Alaska are known, and whose explorations have so largely contribut our present knowledge of the geographical and geological charact that country, upon being invited by me to report as to the accu of Vancouver's charts, writes as follows:—

We have no good topographical maps of this part of Alaska, but having been en nearly nine years exploring and surveying the territory, I assert, without fear c tradiction, that nothing of the sort [depicted by Vancouver] exists. We have i what has been aptly called a "sea of mountains," composed of short range endless ramifications, their general trend being parallel with the general cu North-Western America, but, so far as their local parts are concerned, irre broken, and tumultuous to the last degree. In certain places, as from Cape S to Yakutat Bay, we have the nearest approach to such a range, but even here are broad valleys penetrating an unknown distance, and lateral spurs given

many directions. These Alps rise conspicuously above their fellows, but to the eastward. Another peculiarity of the topography is that the hills or summits are nearly uniform in height, without dominating crests, and few higher peaks.

The single continuous range being non-existent, if we attempt to decide on the "summit" of the mountains we are at once plunged into a sea of uncertainty. Shall we take the ridge of the hills nearest the beaches? This would give us in many places a mere strip of territory not more than 3 miles wide, meandering in every direction. Shall we take the highest summit of the general mass of the coast ranges? Then we must determine the height of many thousands of scattered peaks, after which the question will arise between every pair of equal height and those nearest to them. Shall we skip this way or that with our zig-zag boundary, impossible to survey except at fabulous expense and half a century of labour? These peaks are densely clothed with trees and deep, soft moss, and thorny underbrush, as impenetrable and luxuriant as the savannahs of Panama.

In short, the "summit of the mountains" is wholly impracticable. We may then fall back on the line parallel with the windings of the coast. Let any one with a pair of drawing compasses, having one leg a pencil point, draw this line on the United States Coast Survey map of Alaska (No. 960, of 1884). The result is sufficient to condemn it. Such a line could not be surveyed; it crosses itself in many places and indulges in myriads of knots and tangles. The line actually drawn as the boundary on that map omits the intricacies and is intended merely as an approximation. It would be subject to almost insuperable difficulties for the surveyor, simplified as it is, and the survey would cost more than the whole territory cost originally. These are the false geographical assumptions on which the language of the treaty was based, and the difficulties they offer when it is proposed to realise, by survey, the verbal boundary.

The words of Mr. Dall are those of a practical man, conversant with the region, and experienced in the class of difficulties in the way of an actual demarcation of the conventional frontier.

The line traced upon the Coast Survey map of Alaska, No. 960, of which copies are sent to you herewith, is as evidently conjectural and theoretical as was the mountain summit line traced by Vancouver. It disregards the mountain topography of the country, and traces a line, on paper, about 30 miles distant from the general contour of the coast. The line is a winding one, with no salient landmarks or points of latitude and longitude to determine its position at any point. It is, in fact, such a line as is next to impossible to survey through a mountainous region, and its actual location there by a surveying commission would be nearly as much a matter of conjecture as tracing it on paper with a pair of dividers.

If the coast and interior country from Dixon Entrance to Mount Saint Elias were already accurately surveyed, its topography charted, and the heights of all its "summits" determined, it would even then be impossible, except by conventional compromise, to locate such a line as the treaties prescribe. To illustrate this, a case nearer home may be supposed. Examine, for instance, an Ordnance Survey map of Scotland, and attempt to mark out upon it a line which, starting from the intersection of the mid-channel line of the Firth of Solway and the fifty-fifth parallel shall thence follow the "summit of the mountains" northward as far as the fifty-eighth parallel, and which, where such "summit" shall be more than "ten marine leagues" from the Atlantic coast, shall follow the "winding" thereof. If the tracing of such a line on paper, when every material fact of contour and altitude is precisely known, were found to offer difficulty, the obstacles to the delimitation of an actual frontier, with landmarks and monuments, through a wholly unexplored country much more broken than Scotland is, and with a sea-coast scarcely less intricate, could not fail to be many fold greater.

As a rule, a theoretical frontier based on the assumed conto
mountain chains, is more difficult to determine with accuracy tha
following known water-courses or bounded by right lines h
geodetic termini.

Rude and inaccessible as is the "sea of mountains" of s
253 eastern Alaska, and forbidding as it may appear for ord
purposes of inland settlement, it should be remembered t
is a mineral-bearing region, the geological continuation of the
and silver belt of California and Nevada, and may at any time s
into an importance not now calculable. It is of evident advanta
both countries to agree upon some boundary line capable of sur
a reasonable cost, yet so precisely and practically described, th
case of need any given point thereon may be readily determin
advance of a general survey, and to do this while the whole qu
of local values is in abeyance.

You will bring the foregoing considerations to the attention c
Marquis of Salisbury, and invite an early expression of his
touching the expediency of appointing an international commiss
the earliest practicable day to fix upon a conventional boundary
which, while in substantial accord with the presumed intent c
negotiators of the Anglo-Russian convention of 1825, shall be
and readily determinable in whole or in part under the ordinary
ditions of astronomical and topographical surveys.

I am, Sir, your obedient servant,

T. F. BAYA

Mr. Phelps to the Marquis of Salisbury.

LEGATION OF THE UNITED STATES,
London, January 19, 18

MY LORD: Referring to the conversation held with your Lordsh
the 12th instant relative to the boundary between the British p
sions in North America and the territory of Alaska, I have the h
to transmit[a] herewith a copy of the statement of the facts contai
the instructions sent me by my Government, together with cop
the maps therein referred to.

I think your Lordship will find in these documents the confirm
of the statements I made in the conversation above mentioned.

In the Treaty between the United States and the Emperor of R
of the 30th March, 1867, whereby the territory of Alaska was
to the United States, the eastern boundary of that territory,
divides it from the North American possessions of Her Majes
designated by embodying in the Treaty, in terms, the langua
Articles III and IV of the Convention between Great Britain and
sia, of the 28th February, 1825, whereby that boundary is establi

Those articles are as follows:—

Commencing from the southernmost point of the island called Prince of
Island, which point lies in the parallel of 54° 40′ north latitude, and betwe
131st degree and the 133rd degree of west longitude (meridian of Greenwich

[a] Mr. Phelps apparently did not enclose the copy of the statement of facts a
tioned in his letter, but did enclose in lieu thereof copy of the foregoing lette
Mr. Bayard to himself, dated 20th November, 1885, with the exception of th
cluding paragraph thereof.

said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian), and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

IV. With reference to the line of demarcation laid down in the preceding Article, it is understood:—

1. That the island called Prince of Wales Island shall belong wholly to Russia (now, by this cession, to the United States).

2. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this Convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

The boundary thus indicated has no apparent ambiguity. But it was established and described when the region through which it runs was entirely unexplored. It was doubtless agreed upon in view of the map known as Vancouver's map, then almost the only one avail-
254 able, which shows a range of mountains apparently continuous and sharply defined, running parallel with the coast about 10 marine leagues inland, from the 56th degree of north latitude to their intersection with the 141st degree of west longitude, and forming a natural and plainly obvious permanent boundary. And probably the mountains, as seen from the sea, present that appearance to the eye.

But recent explorations since the country has begun to be occupied show that no such boundary as that described in these Treaties exists within the limits above mentioned, or is capable of being determined. And that the monuments by which it is indicated in the Treaties tend only to confusion and uncertainty.

Instead of a continuous range of mountains along the summit of which a tangible and reasonably direct line can be run, the whole region proves to be broken into a sea of mountains, with spurs running in various directions, covering laterally a very wide surface.

By no criterion, either of height, direction, or continuity, can a line be laid down that could be regarded as "following the summit of the mountains," and any approximation that should be attempted, to the line prescribed in the Treaties, would be no nearer than various other approximations that might be made, and which would be widely different from each other.

The only other indication of this part of the boundary contained in the Treaties, the limit of 10 marine leagues from the ocean, equally fails of practicable location. The coast proves upon survey to be so extremely irregular and indented, with such and so many projections and inlets, that it is not possible, except at immense expense of time and money, to run a line that shall be parallel with it, and if such a line should be surveyed, it would be so confused, irregular, and inconsistent, that it would be impossible of practical recognition, and would differ most materially from the clear and substantially straight line contemplated in the Treaties.

The result of the whole matter is that these Treaties, which were intended and understood to establish a proper boundary, easy to observe and maintain, really give no boundary at all, so far as this portion of the territory is concerned.

A further difficulty is disclosed by the recent surveys in resp
this line. It is found that Portland Channel does not extend
north as the 56th degree of north latitude. This, however, can
ably be easily rectified upon proper survey by extending the ge
line of Portland Channel some four or five miles further to the

Under these circumstances I am instructed by my Governme
propose, through your Lordship, to Her Majesty's Government
a commission be agreed on by the Governments of the United
and of Her Majesty, to be composed of Commissioners to be appo
by each, who shall, under such instructions and conditions as m
mutually concurred in and upon such surveys and examinations a
be found necessary and practicable, either designate and establis
boundary line in question or report to the respective Governm
such facts, data, and recommendations as may afford a basis f
establishment by convention between them.

In addition to the statement of facts above mentioned, I hav
honour to send herewith copies of the maps therein referred to.
book called "United States' Pacific Coast Pilot" I must ask
Lordship to have the kindness to return at your convenience, as I
no other copy; but should you desire it, I shall be happy to se
the United States for a copy for the use of Her Majesty's Go
ment. And I shall be much obliged if your Lordship will
copies to be sent me of the British and Canadian Official maps
tioned in the statement.

In the conversation with your Lordship before alluded to, refe
was made to the time within which my Government must apj
Congress for the appropriation necessary for the expenses o
Commission on its part if sent out this year. I have since info
myself on that point, by telegraphic communication with the De
ment of State, and learn that if an agreement should be re
between the Governments by the 1st April, the appropriatio
probably be obtained.

I venture to suggest, however, in view of the reasons whic
readily occur to your Lordship, for as early an adjustment o
boundary as may be found practicable; that as such an expeditio
only make progress in the summer, and as some time must
255 sarily be occupied in its appointment, outfit, and arrangem
it will doubtless be for the mutual interests of the Governm
that a decision in regard to it should be made as soon as m
consistent.

I have, &c.,

(Signed) E. J. PHEL

The Earl of Iddesleigh to Mr. Phelps.

FOREIGN OFFICE, *August 27, 18*

SIR: In the note which you addressed to the Marquis of Sali
on the 19th January last, you requested that you might be furn
with a copy of the Map of the Dominion of Canada, geologicall
oured, from surveys made by the Geological Corps, 1842–82, al
to in Mr. Bayard's statement of the 20th November, 1885, with
ence to the question of the Alaska frontier.

In forwarding to you a copy of the Map in question, I have the honour to invite your attention to the fact, that the Alaska boundary line shown therein is merely an indication of the occurrence of such a dividing line somewhere in that region. It will, of course, be clearly understood that no weight could attach to the Map location of the line now denoted, inasmuch as the Convention between Great Britain and Russia of the 28th February, 1825, which defines the line, making its location dependent on alternative circumstances, the occurrence, or the non-occurrence, of mountains, and, as is well known to all concerned, the country has never been topographically surveyed.

Her Majesty's Government therefore feel that they are bound distinctly to disavow the recognition of the correctness of the line shown on the edition of the Map in question, forwarded herewith, as the boundary line between the Province of British Columbia and Alaska.

I am, &c.

(Signed) IDDESLEIGH.

No. 14.

Foreign Office to Colonial Office.

FOREIGN OFFICE, *August 2, 1887.*

SIR: In reply to your letter of the 11th ultimo, I am directed by the Marquis of Salisbury to transmit to you a draft of a despatch which his Lordship proposes to address to Her Majesty's Minister at Washington in regard to Lieutenant Schwatka's Report of the reconnaissance made by him in Alaska in 1883.

I am to request that, in laying the same before Sir H. Holland, you will move him to inform Lord Salisbury whether he concurs in its terms.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 15.

Colonial Office to Foreign Office.

DOWNING STREET, *August 19, 1887.*
(Received August 20.)

SIR: I am directed by Secretary Sir Henry Holland to acknowledge the receipt of your letter of the 2nd instant, and to state that he concurs in the terms of the communication which the Marquis of Salisbury proposes to address to the United States Government with reference to Lieutenant Schwatka's Report on his reconnaissance in Alaska.

The inclosure to your letter is returned herewith.

I am, &c.

(Signed) R. H. MEADE.

No. 16.

256 *The Marquis of Salisbury to Sir L. West.*

No. 206.] FOREIGN OFFICE, *August 20, 1887.*

SIR: With reference to your despatch No. 14 of the 19th January last, and to previous correspondence relating to the question of the boundary between Alaska and British Columbia, I transmit, for your information, copies of a letter from the Colonial Office, with its inclosures, calling attention to certain points in the Report made by Lieutenant Schwatka, of the United States Army, of a reconnaissance made by him in Alaska in 1883, of which a copy accompanied your despatch No. 113 of the 20th April, 1886.

You will notice, as is pointed out in this correspondence, that in the wording of the resolution adopted by the United States Senate on the 18th April, 1884, the reconnaissance is described as extending from "Chilkoot Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska."

But, as is shown in sheet 5 attached to Lieutenant Schwatka's Report, Part II of the Map of the routes followed by him extends "from Fort Selkirk, B.C., to Fort Yukon, Alaska" (B.C. standing for British Columbia); and at p. 33 of his Report the latitude and longitude of the site of Fort Selkirk is given as 62° 45′ 30″ north, and 137° 22′ 45″ west, which is well within the territory belonging to this country, which extends as far as 141° west.

It will also be seen, on referring to pages 20 and 47 of the Report that Lieutenant Schwatka has indicated two points, viz., Perrier's Pass and 140° west longitude, which he has determined as defining the international boundary.

Her Majesty's Government, as you are aware, have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, but they are not prepared to admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn.

Lieutenant Schwatka, in the course of his military reconnaissance in Alaska, appears to have traversed British territory for a considerable distance; but, so far as Her Majesty's Government are aware, no intimation of such a desire on his part was conveyed to any of the British authorities. They do not attach any importance to this fact, and no doubt, had their acquiescence been asked, it would not have been refused.

Her Majesty's Government have no desire at the present moment to raise any discussion in regard to the question of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on their part on the points alluded to above, I request that you will in a friendly manner call Mr. Bayard's attention to the observations contained in this despatch.

I am, &c.

(Signed) SALISBURY.

No. 17.

Sir L. West to the Marquis of Salisbury.

No. 267.] WASHINGTON, *September 15, 1887.*
(Received September 27.)

MY LORD: In obedience to the instructions contained in your Lordship's despatch No. 206 of the 20th ultimo, I have called the attention of Mr. Bayard to the observations therein contained on Lieutenant Schwatka's Report of a military reconnaissance in Alaska in a note and memorandum, copies of which I have the honour to inclose herewith.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

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257 [Inclosure 1 in No. 17.]

Sir L. West to Mr. Bayard.

WASHINGTON, *September 14, 1887.*

SIR: I have the honour to inclose to you herewith a Memorandum calling the attention of the United States Government to certain points in the Report made by Lieutenant Schwatka, of the United States Army, of a reconnaissance made by him in Alaska, and to observe at the same time that he traversed British territory for a considerable distance without any intimation having been given to the British authorities of his intention of so doing.

I may add, however, that Her Majesty's Government do not attach any importance to this fact, and that no doubt had their acquiescence been asked it would not have been refused.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

[Inclosure 2 in No. 17.—Memorandum.]

In the wording of the Resolution adopted by the United States Senate on the 18th April, 1884, the reconnaissance of Lieutenant Schwatka is described as extending from "Chilkoot Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska." But, as is shown in sheet 5 attached to Lieutenant Schwatka's Report, Part 2 of the Map of the routes followed by him extends from Fort Selkirk, B. C. (standing for British Columbia); and at page 33 of his Report the latitude and longitude of Fort Selkirk is given as 62° 45′ 30″ north and 137° 22′ 45″ west, which is well within the territory belonging to Great Britain, which extends as far as 141° west.

It will also be seen, on referring to pages 20 and 47 of the Report, that Lieutenant Schwatka has indicated two points, viz., Perrier Pass and 141° west longitude, which he has determined as defining the international boundary.

Although Her Majesty's Government have agreed in principle to take part in a preliminary investigation of the Alaska boundary question, they are not prepared to admit that the points referred to by Lieutenant Schwatka in any way fix where the line should be drawn.

It is not sought to raise any discussion at the present moment in regard to the position of the boundary between Alaska and British Columbia; but in order that it may not be prejudiced hereafter by absence of remark on the points alluded to above, Her Majesty's Government have thought it expedient to call the attention of the United States Government to the foregoing observations.

The three letters immediately following, marked with † †, were transmitted to Congress by the President on the 2nd of March, 1889, and are taken from an official document issued by the United States Government, entitled Senate 50th Congress, 2nd Session, Ex. Doc. No. 146, pp. 2–9:—

Mr. Dall to Mr. Moore, Third Assistant Secretary of State,† †

SMITHSONIAN INSTITUTION,
Washington, D. C., January 3, 1888.

DEAR SIR: In pursuance of your request for suggestions bearing on the question of the Alaskan boundary, I beg leave to submit the following facts and observations upon them.

The coast of south-eastern Alaska is the valuable part of that region. It has a climate modified by the ocean so as to be comparable with that of Ireland, water-ways reaching all parts of it, and making accessible its mines, fisheries, timber, and remarkable Alpine scenery.

The "sea of mountains" eastward from the general line of the coast is broken by rivers, giving passage to the interior only at the head of Lynn Canal, at the Taku and Stikine Rivers, and at the head
258 of the Portland Canal. West of Lynn Canal, the Alps form an impassable barrier until we come to the Copper or Atna River, which heads west of the one hundred and forty-first meridian, in American territory, and is therefore outside of the limits necessary to be now considered.

The country even 2 or 3 miles inland from the coast has a totally different and subartic climate, and is of value only for its rich but very limited placer mines. There are doubtless quartz mines, and there is timber, but commercially inaccessible and therefore practically valueless. The placers of the Stikine basin are now about exhausted. The Taku basin is small and very alpine. The present attention of miners is chiefly devoted to the placers reached near the Yukon by the portage from the head of Lynn Canal. Doubtless the basin of the Upper Yukon, though larger than the others, is limited, and will in a few years be exhausted of its placer gold, as the others have been, when for all practical purposes this interior region will be entirely valueless, as it affords few furs, and not game enough to support a large body of hunters. Even explorers have found it difficult to support life there, in parties of less than a dozen.

It has seemed to me that the necessities of the case, either with or without a Treaty, would be well met by a plan embodying the following ideas, it being perfectly well known that the boundary specified in the existing Treaty was formulated on a mistaken assumption as to facts, and is impossible to determine by survey.

A line which can be most easily surveyed, and which the average prospector could recognize without difficulty, and which would follow the spirit of the old Treaty more nearly than any other, while modifying its expression, could in my opinion be obtained in the following manner:

Let a point be determined on each of the four passage ways into the interior—Chilkoot, Taku, Stikine, and Observatory (or Portland) Inlet Rivers—at ten marine leagues (or any other mutually satisfactory) distance from the coast. Then let the territory drained by branches coming into these rivers seaward of this point (which should be shown by a permanent monument) belong to the United States;

hat drained by streams coming in eastward of the monument be British. The boundary would follow the water parting between the two. At Portland Inlet and at the head of Lynn Canal the divide between the interior and coast water-sheds should form the line. This would be easy of definition, as the pass is narrow and the ridge sharp and distinct. It would give the United States a little useless territory on the headwaters of the Chilkat River and take a little away from them on the Chilkoot River, judged by the present theoretic boundary. This would reduce the positions requiring careful astronomical determination to three, namely, the inception of the boundary line at the head of Portland Inlet, and the two monuments on the Taku and Stikine respectively. This reduction would probably save a season's work, and corresponding expenses, as the climate is unfavourable for astronomical work.

The advantages of the above plan are, first, any man can determine for himself on which side of the boundary he is without any instrument except his eyes. There can be no question as to the water parting in the sharply broken topography of the region; it will speak for itself. As the rivers and their valleys are the sole roads, no man can plead ignorance of the fact when he reaches the boundary monument, and any doubt, away from the river, can be solved in an hour by following the nearest brook to the stream of which it is the tributary.

In general, I suppose that the survey which would be necessary could be much more easily carried out than in any other project, as the whole could be done by a meander of the streams, and by very few streams, except fixing the monuments. If the methods in use by the Geological or Coast Survey parties on reconnaissance work were adopted, and the practiced topographers of either organization put at it (and the Dominion Geological Survey is equally well prepared), the whole line from Chilkat to Taku, Stikine and Observatory or Portland Inlet could be run in two or three seasons, at most, by about four parties, and at an expense to the United States (existing agencies being utilized) of probably not more than $125,000 in all. By military methods and men the work would take twice as long, and would cost at least half a million dollars. In regard to this matter of expense I speak advisedly, having regard to estimates already furnished by military authorities.

259 The United States, if the river monuments were fixed at the present treaty limits of 10 marine leagues from the coast, would probably lose territory theoretically, since the 10-leagues line carried along as on the Coast Survey Map of Alaska (1884) probably extends farther inland than the headwaters of many of the inland streams. But this loss would amount to nothing, as the region is inaccessible except from the British side, and practically worthless.

On the other hand, the plan proposed is more in accord with the spirit of the present unrealizable Treaty than any other which occurs to me, and far more easy of determination than any plan I have ever heard suggested.

As to the strip of country between the one hundred and forty-first meridian and the head of the Chilkat River, it is perfectly inaccessible from the coast except by way of the Atna and Chilkat Rivers. It might well be left alone for many years to come, or settled by taking the summit of the St. Elias Alps, everywhere visible from the ocean,

which no man has yet reached, much less scaled, but which could be united by a set of great triangles from the head of the Chilkat and along the coast of the Pacific from Fairweather Peak to Mount St. Elias.

Very respectfully yours, WM. H. DALL.

N. B.—This letter should be read in connection with the Coast Survey Map of Alaska, published in 1884, which, though defective in later data elsewhere, is essentially the most accurate as regards the region involved.

Dr. Dawson to Sir Charles Tupper. ††

WASHINGTON, D. C., *February 7, 1888.*

SIR: One of the principal difficulties met with in arriving at any reasonable conventional line of boundary between the coast strip of Alaska and the adjacent portion of the Dominion of Canada may be that arising from an erroneous notion with respect to the width of that strip, which has been loosely indicated on many maps as a belt of country 10 marine leagues in width, while, as a matter of fact, in the language of the Convention, 10 marine leagues is given merely as an extreme width to which under certain conceivable circumstances the coast strip might in some places be allowed to attain. The actual language of the Convention in the original version is as follows:—

A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré, 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord [a] le long de la passe dite Portland Channel jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien, &c.)

Que partout où la crête des montagnes, qui s'étendent dans une direction parallèle à la côte depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest, se trouverait à la distance de plus de dix lieuesmarines de l'océan, la limite entre les possessions Britannique et la lisière de côte mentionnée ci-dessus, comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines.

The use of the expression *lisière de la côte*, it is submitted, shows that nothing more was stipulated for than a *point d'appui* for Russia on the mainland coast, and the known circumstances which led to the conclusion of the Convention afford additional evidence that this was all that Russia desired or Great Britain intended to give.

The definition of the *lisière* by a line following *la crête des montagnes situées parallèlement à la côte*, is precisely that which would be adopted as the most convenient on an examination of Vancouver's charts and descriptions of the coast, which were at the time the best avail-
260 able. These charts show, by strictly conventional and arbitrary signs, that a mountainous country extends inland from the coast for a considerable distance. The fact alone that these conventional mountain features are not even similarly placed on the corresponding portions of Vancouver's overlapping charts, must have been sufficient to show that no dependence could be placed on them. The only line of mountains which is practically identical on the various charts and

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[a] This word is misprinted "bord" in the ex. doc. above referred to.

the existence of which could be confirmed by reference to Vancouver's detailed description, is that which is represented as everywhere rising immediately from the coast and which borders upon the sea. It is therefore to the summits of these mountains immediately bordering the coast that the words of the Convention must be understood to refer. Only in the case of the absence of mountains is the 10 marine league limit admissible, and then under certain conditions, for general parallelism with the coast is also essential.

It was no doubt in consequence of the distinctly conventional mode of representation of the mountains on Vancouver's charts, and the necessary inference that they did not accurately represent the facts, that the limiting clause was inserted in the Convention.

Such a line as that which it is believed was intended is by no means impossible of survey, nor should it even be very difficult to define, as the summits of the mountains are, as a matter of fact, found to be everywhere visible from the coast, and are probably at an average distance of considerably less than five miles from it.

In respect to the important question as to what is intended by the expression *la côte*, Major-General D. R. Cameron's views, as expressed in a report on this point, may be substantially adopted, as follows:—

In the second clause of the fourth article provision is made for the case of the mountains being found at more than 10 marine leagues inland, and it is there laid down that the measurements shall be made, not from inlets, but from the ocean. The convention stipulates—

Que partout où la crête des montagnes, qui s'étendent dans une direction parallèle à la côte * * * se trouverait à la distance de plus de dix lieues marines de l'océan * * la limite * * * sera formée par une ligne parallèle à la côte, et qui se pourra jamais en être éloignée que de dix lieues marines.

The word ocean is wholly inapplicable to inlets; consequently the line, whether marked by mountains or only by a survey line, has to be drawn without reference to inlets.

Had it not been so clearly provided against by express stipulation in the second clause of the fourth Article of the Convention and by the accepted principles of international law, it might, in the case of the absence of mountains, be argued[a] that the *lisière* should be measured from the sea-water's edge, wherever—in inlet or elsewhere—it outlined the continent; and that this being the coast line where no mountains exist within 10 leagues, is equally the coast line whence to determine the mountains *nearest to the coast.*

But, as said above, inlets, in either alternative, the occurrence or non occurrence of mountains within 10 leagues, are not part of the coast line determining the boundary.

None of the inlets between Portland Channel and the meridian of 141 degrees west longitude are six miles in width, excepting, perhaps, a short part of Lynn Canal; consequently, with that possible exception, the width of territory—on the coast assigned under the Convention to Russia—may not be measured from any point within the mouths of the inlets. All the waters within the mouths of the inlets are as much territorial waters, according to an universally admitted international law, as those of a fresh-water lake or stream would be under analogous circumstances.

[a] This word is misprinted "agreed" in the U. S. publication above referred to.

As far as non-mountainous country may extend, but within 10 marine leagues of the ocean, the inlets are in fact included by the Convention within *la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie.*

On the other hand, so much of these inlets as happen to be in mountainous territory or beyond 10 marine leagues from the ocean, together with the dry land about them, is assigned to Great Britain as much as are rivers and lakes in the same regions.

261 Nothing short of an express stipulation to the contrary effect would, it is conceived, serve to maintain the proposition that inland waters in the *lisière de côte* assigned to Russia were not part and parcel of that *lisière.* But if they were really part and parcel of the *lisière* itself, their mere existence cannot possibly be a reasonable foundation for arguing that they involve an increase of the breadth of the *lisière* of which they are component parts.

The limits of the *lisière* are by the Convention expressly dependent on the relative positions of ocean line and neighbouring mountain line. The only reference to inlets in the Convention (Art. VII.) is in a form almost directly declaratory of assent to the doctrine of territorial authority over them.

If the sovereignty over inlets does not pass in accordance with the doctrine that they are part and parcel of the surrounding territory, there was no occasion for the reciprocal concession made in the seventh Article for right to navigate these inlets.

Regarded from this point of view, rivers and inlets are identical. As reasonable, then, would it be to hold that under the Convention the breadth of the *lisière* assigned to Russia is determined by the headwaters of its rivers as that the head waters of its creeks and inlets regulate its breadth.

With further reference to the position of the boundary as provided for by the Convention, it may be stated that the contention has been advanced by the Government of British Columbia that the words "dite Portland Channel," in Article III., are palpably erroneous, and not in conformity with the detailed description of the course of the line, on the following grounds:—

The portion of the Article in question reads:—

> A partir du point le plus méridional de l'île dite Prince of Wales * * * la dite ligne remontera au nord[a] le long de la passe dite Portland Channel jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord, etc.

Now, to reach the entrance of Portland Channel from the point first defined the line must run about 50 miles east instead of north, and, moreover, by ascending Portland Channel it cannot strike the mainland in latitude 56 degrees north, as the channel terminates before reaching this latitude, and was known so to terminate at the time of Vancouver's survey.

If, however, the name only of Portland Channel be omitted, and the directions given be precisely followed, the line will ascend Clarence Strait and reach the mainland at the stated latitude and by the stated course. The several directions with respect to the line of boundary may, it is argued, be considered as more authoritative than the single mention of Portland Channel.

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[a] This word is misprinted "bord" in the ex. doc. above referred to.

Apart from the above contention of the British Columbian Government, it is at least certain that if the line of boundary was intended to follow Portland Channel it was the channel so named by Vancouver, the lower part of which channel passes to the north of Wales and Pierce Islands of recent charts. The line has been erroneously shown on many maps as running to the south of these islands along part of Observatory Inlet of Vancouver, in consequence of a confusion of nomenclature in the region which, it has been ascertained, first occurred on an Admiralty chart published in 1853, and which has thereafter been followed and copied on other charts and maps.

It would appear, in view of all the facts, that some interchange leading to a consolidation of territory would form a mutually advantageous solution of the boundary question; but that if this cannot be agreed upon it is probable that a conventional line following as nearly as possible the description of the Treaty might be arrived at.

I have the honour to be, Sir, your obedient Servant,

GEORGE M. DAWSON.

Dr. Dawson to Sir Charles Tupper.††

WASHINGTON, D. C., *February 11, 1888.*

SIR: Having had, as arranged, several informal conferences with Mr. W. H. Dall on the subject of the boundary line between
262 Alaska and the neighbouring part of the Dominion of Canada, with the purpose of arriving, if possible, at some conventional line which might be recommended as advantageous to both countries, I have the honour to make the following report on the result of my conversation with Mr. Dall:—

On previous careful consideration of the subject which I had investigated to some extent on the ground, it appeared to me probable that some reciprocal concession in respect to territory tending toward consolidation of the regions under the respective Governments would afford the most satisfactory basis for the selection of a conventional line of boundary; the advantage of such territorial re-arrangement being particularly apparent in regard to the development of the region on both sides and the facility of its administration.

I found, however, that Mr. Dall was not disposed to regard with favour any suggestion which would involve the cession of any part of the coast line of Alaska, and should this view be maintained it must entirely prevent a fully satisfactory re-arrangement of boundary, however desirable it might in other respects be to both countries, as the actual conditions render it impossible for the United States to offer any other territorial equivalent which would be of value.

Failing any such re-arrangement of territorial rights, it would seem (and I believe I may say that Mr. Dall and myself are in agreement on this point) that a conventional line might be adopted, which, while nearly agreeing with that described in the Treaty, would prove more convenient and less costly of survey than it. The divergence which still exists between Mr. Dall's views and my own on this subject arises, I believe, entirely from a difference of opinion as to the meaning of the wording of the Treaty itself, and this divergence does not so much affect the character of a conventional line as its distance from the

coast, which would require to be regulated in conformity with the interpretation which may be given to the Treaty with respect to its definition of the width of the coast strip.

Conventional lines of two kinds in particular have been discussed by us at some length, and while there is much to be said in favour of each, and either might be made the basis of an agreement, it appears to me that that which is entitled below "Conventional Line No. 2" would prove to be the most satisfactory and the least expensive to fix on the ground.

The lines referred to may be thus described:—

Conventional Line No. 1.—A series of straight lines drawn between certain determined fixed points and running in approximate parallelism with the general trend of the coast. Such lines would be portions of arcs of great circles. The fixed points would require to be prearranged, and, after being marked by suitable monuments, their positions relating to each other might be astronomically determined with sufficient accuracy for the purpose of calculating the directions of connecting lines, thus avoiding the necessity of an expensive triangulation survey for this purpose. The points which I should propose as fixed points are situated on Portland Channel, the Stikine, Taku Inlet, and the heads of Lynn Canal. We are already in possession of information sufficient to enable us to define these points.

Conve tional Line No. 2.—A line starting from certain specified fixed points such as those above described and similarly situated on the inlets named and on the Stikine River; the territory drained by streams debouching to the seaward of the fixed points to belong to the United States; that drained by streams debouching on the opposite or inland side of the fixed points to belong to Canada; it being, however further provided that in the event of the boundary thus determined reaching a certain specified distance from the coast, it shall then follow a straight line with a prescribed course for such distance as the streams may be found to rise on the inland side of such line.

A boundary thus drawn would practically follow the crests of mountain ranges for the greater part of its entire length, while it would be prevented from attaining an inconvenient inland extension by the prescribed limiting lines. The courses of these limiting lines might be stated with sufficient precision from our present knowledge of the region, and should in each[a] case be approximately parallel to the main trend of the opposite coast.

In the event of the adoption of a conventional line of either the first or second kind, it would of course be necessary to prepare a detailed description of it.

263 In the case of either line I would suggest that the boundary from the point at which it would leave Lynn Canal, should run in a direct course (preferably a latitude line) westward to the St. Elias Alps; thence to follow the summit of these mountains to the one hundred and forty-first meridian.

Neither of the lines would require to be delineated throughout on the ground at the present time, unless so specially desired. It would be sufficient to erect permanent monuments at the fixed points and to ascertain and define the places at which the line crosses rivers and

[a] This word is misprinted "such" in the U. S. publication referred to in note on page 440.

other avenues of communication. That part of the line which would follow the St. Elias Alps might well be marked, as suggested by Mr. Dall, by the mountains' summits themselves united by a series of great triangles. This lofty chain of mountains, though everywhere visible from the coast, is practically inaccessible.

If objection should be taken to placing the fixed points by which either of the above conventional lines would be determined in such positions on Portland Channel, Taku Inlet, and the heads of Lynn Canal as to give Canada a foothold at the heads of these inlets as means of access to the interior, I should consider it advisable to revert to the Treaty boundary which, though no doubt requiring expensive surveys, is not impossible of realization.

Additional surveys of the region through which the boundary must run might possibly result in enabling some line of greater mutual advantage than either of those above outlined to be indicated, but I believe that a line which would practically meet the requirements of the case might even now be adopted, while delay will add to the difficulty met with in regard to a conventional line by allowing private interests of one kind or another to become involved in the case.

Should, however, no such line be determined on at the present time, I would respectfully suggest that, waiving for the moment any territorial claims under the Treaty, some mutual understanding might be entered into by which criminals from the interior may be carried out to the coast, and thereafter to Victoria or elsewhere for trial; also that in view of the fact that no duties are at present collected on goods entering the Canadian territory on the headwaters of the Yukon, whether they do so by the main stream or by the Chilkoot Pass, that by a similar temporary waiving of claims, goods from the Dominion of Canada in transit, in the hands of *bonâ fide* miners, should be permitted to pass without customs formalities to the head of Lynn Canal and over the Pass. This appears to be the more desirable as the miners are generally men of small means; the cost of transport over the Pass is very great, and the necessary hardships suffered considerable, while their work in prospecting, exploring and mining, all aids in the development of the resources both of Alaska and the neighbouring portions of the Dominion.

In conclusion, I may be allowed to draw attention to the fact that although the free right of navigation for purposes of commerce of the Yukon and Porcupine by the subjects of both countries is provided for by treaty, there appears to be a doubt whether this provision includes the right to cut and collect wood for purposes of navigation by steamers, and that a rule might be established granting equal privileges on both sides in this respect.

I have the honour to be, Sir, your obedient Servant,

GEORGE M. DAWSON.

Colonial Office to Foreign Office.

DOWNING STREET, *August 21, 1888.*
(Received August 22.)

SIR: I am directed by Lord Knutsford to transmit to you, to be laid before the Marquess of Salisbury, a copy of a letter from the High Commissioner for Canada, covering a communication from Sir J. A.

Macdonald respecting a proposal to obtain from the United State
Government a concession of certain privileges in that part of Alask
which is claimed by this country.

Lord Knutsford desires me to suggest, for the consideration of Lor
Salisbury, that the United States Government might be informe
264 that this report has reached Her Majesty's Government, an
that it is presumed to be unfounded, as the territory in questio
is part of Her Majesty's dominions.

I am, &c.

(Signed) JOHN BRAMSTON.

Sir C. Tupper to Colonial Office.

9, VICTORIA CHAMBERS,
Westminster, August 1, 1888.

SIR: I have the honour to ask that you will be so good as to mov
Lord Knutsford to bring under the notice of the Marquess of Salisbur
the inclosed correspondence which I have received from Sir John A
Macdonald.

I add a memorandum upon the same subject prepared by Majo
General D. R. Cameron, R. A., C. M. G., who is familiar with, an
has previously reported upon, the question of the British-Alaska
boundary.

I entirely concur in the great importance of protesting against th
United States' contention.

I have, &c.

(Signed) CHARLES TUPPER.

Mr. Burgess to Sir J. Macdonald.

DEPARTMENT OF THE INTERIOR,
Ottawa, Canada, June 19, 1888.

DEAR SIR JOHN: Captain Moore, of Victoria, British Columbia, wh
was for some time a member of Ogilvie's expedition to the Yukon, ha
reported to the Government of British Columbia that he believes cer
tain persons are about to receive a charter from the Alaskan authoritie
to construct a trail from Lynn Canal by way of White Pass to th
interior of Alaska. If our view of the case is correct, the entire rout
of this trail, as well as the trail by the Chilkoot Pass, is in Canadia
territory. In view of the well-based contention on our part, that th
heads of the larger inlets which penetrate that portion of Alaska whic
consists of the coast line from Mount St. Elias to Portland Channel
and more particularly the head of Lynn Canal, are within our terri
tory, it would appear to be important to protest against the grantin
of any rights by the United States or Alaskan Governments at th
heads of these inlets.

Would it not be well to communicate confidentially with the Britis
Minister at Washington, asking him to inform the Government o
Canada in case he finds that either the United States or Alaska

authorities are granting or proposing to grant privileges of the kind mentioned.

You might, perhaps, think it proper to refer this matter to the Minister of Justice, who is well acquainted with the whole case.

Yours, &c.

(Signed) A. M. BURGESS.

Memorandum.

By way of Lynn Canal, of which the entrance is about 135° west longitude, 58° 20′ north latitude, is at present the only practical route to gold mines being worked on tributaries of the Pelly River, some in British and some in United States territory.

The northern extremity of Lynn Canal forks—the western and eastern branches being formed respectively by the inflow of the Chilkat and Chilkoot Rivers.

The route hitherto followed by miners entering the country has been by the valley of the Chilkoot—across the height of land called Perrier or Payer portage.

The ascent to the portage is extremely tedious, but once overcome there is gained navigable water connected with the Pelly River and the Yukon River. Lieutenant Schwatka noted Perrier portage as
265 the point at which the boundary between United States and British territory passed, the United States territory lying seaward, the British territory inland. Lieutenant Schwatka had been employed to make a reconnaissance in Alaska, but finding that country most accessible through Lynn Canal continued his exploration down the Pelly River in British territory, until it passed the meridian of 141° west longitude into United States territory. Lieutenant Schwatka's report was published as a Congressional paper.

It is not known that there has been any other official claim to Perrier Pass as the point at which the international boundary runs.

From the ocean entrance to Lynn Canal, the head of boat navigation up the Chilkoot is about 80 miles; from this point to Perrier Pass is somewhat in excess of 30 miles, or 10 marine leagues.

Lynn Canal has waterways of less than 6 miles in breadth at no great distance from its entrance.

It is contended on the Canadian side that the 10 marine leagues given as the maximum breadth of United States coast territory in the second sub-section of Article IV. Russo-British Convention of 1825, may not be measured from any point within an inlet not exceeding 6 miles in breadth, and that, consequently, it is not, under any circumstances, possible that the international boundary can be anywhere so far inland as Perrier Pass.

To avoid the inconvenience of the ascent to the Perrier portage, a diverging route, called White Pass, a little to the eastward of Perrier Pass route, has recently been explored.

Speculators interested in the gold mines in the interior, and in transit of miners and their goods, have for some time had their attention turned to the desirability of opening up the White Pass route.

The greater part, if not all, of this divergent line is, it is contended, within British territory, and as affecting the principles which are ulti-

mately to determine the whole of the British-Alaskan bounda
well as seriously affecting a British route which may hereafter,
advantage of the greatest importance, be opened through the
River Valley, it is submitted that the United States contention s
be emphatically protested against.

No. 207.

The Marquess of Salisbury to Sir L. West.

FOREIGN OFFICE, *August 31, 18*

SIR: With reference to your despatch No. 20, of the 20th Ja
last, I transmit, for your information a copy of a letter addres
the Colonial Office by Sir Charles Tupper, the High Commissione
Canada, enclosing a correspondence he had received from the Can
Premier relative to a rumour that a charter is about to be grant
the Alaskan authorities of the United States for certain privile
that part of Alaska which is claimed by this country.

I have to request that you will inform Mr. Bayard that this r
has reached Her Majesty's Government, and that it is presumed
unfounded, as the territory in question is part of Her Maj
dominions.

I am, &c.

(Signed) SALISBU

Foreign Office to Colonial Office.

FOREIGN OFFICE, *August 31, 18*

SIR: In reply to your letter of the 21st instant, I am directed b
Marquess of Salisbury to transmit to you, to be laid before Secr
Lord Knutsford, a copy of a despatch to Her Majesty's Minist
Washington, instructing him to call the attention of the United S
Government to the rumour which has reached the Dominion Go
ment of an intended grant of a charter by the Alaskan authoriti
the United States for certain privileges in that part of Alaska wh
claimed by this country.

I am, &c.

(Signed) P. CURR

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266 No. 309.

Sir L. West to the Marquess of Salisbury.

BEVERLEY (MASSACHUSETTS), *September 21, 1888.*
(Received October

MY LORD: With reference to your Lordship's despatch No. 20
the 31st ultimo, I have the honour to enclose herewith to your L
ship copy of a note which I addressed to the Secretary of Stat
well as copy of his reply thereto, on the subject of a charter whi
is said is about to be granted by the authorities in Alaska for ce
privileges in territory claimed by Great Britain.

I have, &c.

(Signed) L. S. SACKVILLE WE

Sir L. West to Mr. Bayard.

BEVERLY (MASSACHUSETTS), *September 10, 1888.*

SIR: I have the honour to inform you that the Marquess of Salisbury has requested me to bring to your notice a rumour which has reached Her Majesty's Government that a charter is about to be granted by the authorities of Alaska for certain privileges in a part of that country which is claimed by Great Britain.

Her Majesty's Government presume that this rumour is unfounded, as the territory in question is part of Her Majesty's dominions.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE,
Washington, September 15, 1888.

SIR: I have the honour to acknowledge the receipt of your note of the 10th instant, in which, at the request of the Marquess of Salisbury, you bring to my notice a rumour which has reached Her Majesty's Government that a charter is about to be granted by the authorities in Alaska for certain privileges in territory claimed by Great Britain. The rumour to which you refer is, as stated by you, certainly vague and indefinite, and has not come to the notice of this Department, which is wholly without information in regard to the granting of such a charter as you mention, or to the locality of the territory to which it is said to apply.

A copy of your note will at once be transmitted to the Secretary of the Interior.

I have, &c.

(Signed) T. F. BAYARD.

No. 317.

Sir L. West to the Marquess of Salisbury.

BEVERLY (MASSACHUSETTS), *September 29, 1888.*
(Received October 12.)

MY LORD: With reference to my despatch No. 309, of the 21st instant, I have the honour to enclose to your Lordship herewith a further note which I have received from the Secretary of State on the subject of the proposed grant of certain privileges to the Alaska Company.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE,
Washington, September 25, 1888.

SIR: In further reply to your note of the 10th instant, relating to a rumour which had reached Her Britannic Majesty's Government
267 to the effect that a charter was about to be granted by the authorities in Alaska for certain privileges in territory claimed by Great Britain, I have the honour to inform you that the Department is in receipt of a communication from the Secretary of the Interior, to whom your inquiry was referred, to the effect that the Department of the Interior has no information as to any proposed action of the character described.

I have, &c.

(Signed) T. F. BAYARD.

Letter addressed by the Superintendent of the United States Coast and Geodetic Survey to the Honourable the Minister of the Interior of Canada.

WASHINGTON, *December 14, 1888.*

SIR: Some time ago, in response to an inquiry from this Office, Mr. G. M. Dawson, of the Geological and Natural History Survey of Canada, referred me to you as the proper official with whom to communicate directly and informally in relation to a subject upon which some time may possibly be saved by anticipating the result of formal correspondence between the Government of the United States and that of Great Britain.

At its last session Congress made an appropriation with which to begin the work of a preliminary survey of the frontier line between Alaska and British Columbia, and assigned the work to this Survey. The appropriation, however, became available at too late a date to permit anything except the task of preparation to be undertaken before next spring. It is obvious that—except as to a portion of the frontier line which is coincident with the meridian line of the 141st degree of west longitude—it would be impossible for a survey to definitely and authoritatively locate the boundary or frontier line. From some informal discussion of the matter, it is understood that the Hon. Secretary of State will be likely to require that the preliminary survey shall, among other things, accurately establish in latitude and longitude, and permanently mark, such a number of accessible points at certain distances from the coast or along certain mountain summits, as, together with such topographical reconnaissance as may be practicable, will afford the geographical information requisite to the proper negotiation of a Treaty establishing a boundary. To obviate during such negotiation all controversy as to the accuracy of such geographical information, it would seem to be desirable that both parties to the negotiation should be represented in the operations of the preliminary survey by competent surveyors and astronomers, whose concurrence in the determination of points in latitude and longitude, and in the delineation of topographical features, would ensure acceptance of their work by the negotiators and avert one pos-

sible occasion of controversy and delay in the conclusion of a boundary Treaty. The interval of four months or more which, under existing conditions, must elapse before it will be practicable to place our surveying parties in the field, in Alaska, would doubtless enable the Canadian Government to arrange and equip three or four surveying parties to meet our parties at some rendezvous on the Pacific Coast, in April next, and join in a rapid prosecution of such preliminary survey. The desired result might as well be accomplished, though at disproportionately small expense for the Canadian Government, by the detailing of a single Canadian surveyor and astronomer to accompany each of our full parties, of which there will probably be four. Except as it may be necessarily interrupted by climatic or other causes, it is expected that the survey, once begun, will be continuously prosecuted, and that the parties will not return from Alaska until its completion, within three years, and probably two years, from the actual commencement of work in the field.

In view of the foregoing considerations it is understood that the expediency of such joint action by surveyors, &c., of the two Governments as is above outlined has been made the subject of correspondence between the two Governments.

268 I have ventured to bring the matter to your attention now, inasmuch as the shortening of the time prior to the opening of the working season renders it desirable that all the interval should be rendered available to you for provisional or contingent selection of surveyors, &c., in anticipation of the formal action of your Government, which it is hoped may be favourable to such joint work by the surveyors and astronomers of both Governments.

Any expression of your views in the premises, with which you deem it proper to favour me, will be duly appreciated by

Very respectfully, your obedient Servant,

F. M. THORN,
Superintendent.

Hon. E. DEWDNEY,
Minister of the Interior,
Dominion of Canada, Ottawa.

Sir J. Pauncefote to Mr. Blaine.

WASHINGTON, *June 5, 1891.*

SIR: The Governor General of Canada has lately brought under the notice of Her Majesty's Government the following passages in the last published report of the "United States Coast and Geodetic Survey," in which the Director writes as follows:—

"By recent Congressional enactments a preliminary survey of the frontier line between Alaska and British Columbia, in accordance with plans or projects approved by the Secretary of State, has been placed in charge of this Bureau. Such a preliminary survey, involving the determination of a number of points in geographical position and their complete marking by permanent monuments, will have to be carried from Cape Muzon *through the Portland Canal* to the 50th degree of north latitude, thence north-westwardly, following, as nearly as practicable, the *general trend of the coast*, at a distance of *about* 36 miles

from it, to the 141st degree of west longitude, and thence due north to the Arctic Ocean, a total distance of about 1,400 miles."

The Dominion Government have expressed the desire that the United States Government may be reminded that the question of the boundary at this point is, at the present time, the subject of some difference of opinion and of considerable correspondence, and that the actual boundary line can only be properly determined by an International Commission.

I have accordingly been instructed by the Marquis of Salisbury to call your attention to the above extract, and to the observations of the Dominion Government thereon.

I have, &c. JULIAN PAUNCEFOTE.

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269 *Convention between Great Britain and the United States, respecting the boundary between the two countries (Alaska and Passamaquoddy Bay), signed at Washington, 22nd July, 1892.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America being equally desirous to provide for the removal of all possible cause of difference between their respective Governments hereafter in regard to the delimitation of the existing boundary between Her Majesty's Possessions in North America, and the United States in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of Treaties heretofore concluded, have resolved to conclude a Convention in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Michael H. Herbert, Chargé d'Affaires *ad interim* of Great Britain; and

The President of the United States, John W. Foster, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

Article I.—The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the Dominion of Canada and the United States of America dividing the Province of British Columbia and the North-West Territory of Canada from the territory of Alaska, from the latitude of 54° 40′ north to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissions to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between the United States and Russia.

Application will be made without delay to the respective Legislative Bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two Governments shall meet at Ottawa within two months after said appropriations shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final Reports thereof within two years from the date of their first meeting.

The Commissions shall, so far as they may be able to agree, make a joint Report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

Each Government shall pay the expenses of the Commission appointed by it.

Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissions, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that as soon as practicable after the Report or Reports of the Commissions shall have been received, they will proceed to consider and establish the boundary line in question.

270 *Article II.*—The High Contracting Parties agree that the Governments of Her Britannic Majesty in behalf of the Dominion of Canada and of the United States shall, with as little delay as possible, appoint two Commissioners, one to be named by each party, to determine upon a method of more accurately marking the boundary line between the two countries in the waters of the Passamaquoddy Bay in front of and adjacent to Eastport, in the State of Maine, and to place buoys or fix such other boundary marks as they may determine to be necessary.

Each Government shall pay the expenses of its own Commissioner, and cost of making the boundary in such manner as shall be determined upon shall be defrayed by the High Contracting Parties in equal moieties.

Article III.—The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington within 12 months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our Seals.

Done in duplicate at Washington, the 22nd day of July, 1892.

[L.S.] MICHAEL H. HERBERT.
[L.S.] JOHN W. FOSTER.

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271 *Convention between Great Britain and the United States, extending the term provided in the convention of 22nd July, 1892, for the survey of the Alaska boundary line. Signed at Washington, 3rd February, 1894.*

The Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and of the United States of America, being credibly advised that the labours of the Commission organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington, July 22, 1892, providing for the delimitation of the existing boundary between Her Majesty's Posses-

sions in North America and the United States, in respect to such portions of said boundary line as may not, in fact, have been permanently marked in virtue of Treaties heretofore concluded, cannot be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary Convention extending the term for a further period, and for this purpose have named as their respective Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., Ambassador Extraordinary and Plenipotentiary of Great Britain; and

The President of the United States, Walter Q. Gresham, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following Articles:—

Article I.—The third paragraph of Article I of the Convention of July 22, 1892, states that the respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting. The Joint Commissioners held their first meeting November 28, 1892; hence the time allowed by that Convention expires November 28, 1894. Believing it impossible to complete the required work within the specified period, the two Governments hereby mutually agree to extend the time to December 31, 1895.

Article II.—The present Convention shall be duly ratified by Her Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington at the earliest possible date.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our Seals.

Done in duplicate at Washington, the 3rd day of February, 1894.

[L. S.] JULIAN PAUNCEFOTE.
[L. S.] W. Q. GRESHAM.

Mr. Herbert to Lord Stanley of Preston.

NEWPORT, *September 13, 1892.*

MY LORD: With reference to my telegram of to-day I have the honour to inclose copy of a note which I have received from Mr. Foster, in which he states that Mr. Thomas C. Mendenhall, Superintendent of the U. S. Coast and Geodetic Survey, has been appointed U. S. Commissioner under Articles I and II of the Alaska Boundary Convention, and expresses the hope that the Commission may begin its work as soon as possible.

I have, &c.

(Signed) MICHAEL H. HERBERT.

The Hon. John W. Foster to the Hon. Michael H. Herbert.

DEPARTMENT OF STATE,
Washington, September 8, 1892.

SIR: I have the honour to inclose herewith copies of the Convention concluded in this city, July 22, 1892, providing for a joint delimi-
372 tation of the existing boundary line between the U. S. and H. M. possessions in North America in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of treaties heretofore concluded.

By direction of the President, Thomas C. Mendenhall, Superintendent of the U. S. Coast and Geodetic Survey, has been appointed the Commissioner of the U. S. pursuant to Articles I and II of the Convention mentioned, and it is the President's desire that the work may be begun and completed within as brief a period as practicable.

The Convention provides in Article I that application shall be made without delay to the respective Legislative Bodies for the appropriations necessary for the prosecution of the Survey.

It gives me pleasure to say that the appropriation on behalf of the Government of the U. S. has been made by Congress, and I shall be glad to know whether that on behalf of the Canadian Government has been provided for, in order that the Commission may meet without delay at Ottawa and proceed as soon as possible thereafter to the active discharge of its duties.

Asking that you will give the matter your early attention, and advise me of the action of the Canadian Government.

I have, &c.

(Signed) JOHN W. FOSTER.

The Marquis of Ripon to Lord Stanley of Preston.

DOWNING STREET, *March 15, 1893.*

MY LORD: I have the honour to transmit to your Lordship herewith, for communication to your Government, a letter addressed by the Earl of Rosebery to Mr. William F. King, inclosing H. M. Commission under the Great Seal enabling him to act as H. M. Commissioner under Articles I and II of the Convention between H. M. and the U. S. of America, signed at Washington on July 22 last, for a joint delimitation of the existing Boundary between Canadian Territory and the United States Territory of Alaska.

I have, &c.

(Signed) RIPON.

GOVERNOR GENERAL, &c., &c., &c.

The Earl of Rosebery to Mr. W. F. King.

FOREIGN OFFICE, *March 8, 1893.*

SIR: The Queen having been graciously pleased to appoint you to be her Majesty's Commissioner under Articles I and II of the Convention between Her Majesty and the United States of America,

signed at Washington on July 22 last, I transmit to you Her Majesty's Commission, under the Great Seal, to enable you to act in that capacity

You will find in the Convention, of which a copy is inclosed here with for your guidance, a general indication of your duties, which ar to effect, in concert with the Commissioner appointed by the Unite States, a coincident or joint survey (as may be found in practice mos convenient) of the territory adjacent to that part of the boundary lin of the Dominion of Canada and the United States, which extends fron latitude 54° 40′ North to the point where the line meets the 141 merid ian of longitude West of Greenwich, with a view to the permanen delimitation of the boundary line in accordance with the spirit an intention of the Treaties in regard to it.

You are also in concert with the United States Commissioner t determine upon a method of more accurately marking the boundar line between Canada and the United States in Passamaquoddy Bay an to place buoys or fix such other boundary marks as may be necessary

You will take your instructions from the Government of Canada, t whom you will also address your reports, and by whom the expense connected with your mission will be defrayed.

273 A collection of confidential printed correspondence on th questions connected with the settlement of the frontier i inclosed herewith for your information.

You will be careful to keep it under lock and key and to return i to this Office on the completion of your labours.

I am, Sir, your most obedient Servant,

(Signed) ROSEBERY.

Mr. T. C. Mendenhall to Mr. W. F. King.

UNITED STATES COAST AND GEODETIC SURVEY,
Washington, D. C., April 1, 1893.

Hon. W. F. KING,
International Boundary Commissioner,
Department of the Interior,
Ottawa, Canada.

SIR: In reply to your letter of March 17, I will say that I hav requested the Treasury Department to issue instructions to the Cus tom House officials and others in Alaska, to afford every facility to th Canadian parties engaged on the Boundary Survey, and I inclose copy of the reply received.

I have handed to Mr. H. P. Ritter, who will accompany your Holk ham Bay party, a package containing copies of the instructions issue to the chiefs of our parties, with directions to deliver it to you o your arrival.

Respectfully yours,

(Signed) T. C. MENDENHALL,
Superintendent.

Mr. T. C. Mendenhall to Mr. O. H. Tittmann.

UNITED STATES COAST AND GEODETIC SURVEY,
OFFICE OF THE SUPERINTENDENT,
Washington, D. C., March 16, 1893.

Mr. O. H. TITTMANN,
Assistant C. and G. Survey, Washington, D. C.

SIR: You are hereby assigned to the charge of the party to be engaged on the survey of the Stikine River, Alaska, for the purpose of obtaining such information and data as will enable the Commissioners to establish or agree upon a boundary line between S. E. Alaska and the British possessions.

You will first establish an astronomical station at some convenient point at or near the mouth of the river, in charge of which you will leave Mr. G. R. Putnam, who will determine the latitude and magnetics and observe as frequently as possible for time, so that the rates of the chronometers may be accurately known. Similar stations will be established by the other parties at the Taku Inlet and the mouth of the Unuk River, and these three stations will be connected chronometrically with the main astronomical station at Sitka, by means of chronometers carried by the Steamer *Hassler*. These chronometers will be under the charge of Mr. H. C. Lord, who will make the daily intercomparisons, and on arrival of the *Hassler* at any astronomical station will make careful comparisons of the carried chronometers with those of the station. To insure accuracy the astronomer of the station will also make this comparison, and in case of non-agreement the operation will be repeated by both. In case of the sickness or disability of the astronomer at either station Mr. Lord will take his place, and the charge of the carried chronometers will then be assumed by one of the naval officers of the *Hassler*.

274 You will yourself execute the triangulation from your astronomical station (which will also be connected with one or more points of the Coast triangulation) to a point on the Stikine River distant not less than thirty nautical miles from the coast of the mainland in a direction at right angles to its general trend. The important triangulation stations should be marked in the most permanent manner that circumstances will permit, and in the vicinity of the terminal point, particular care must be exercised in marking permanent natural objects, and in securing points so near to each other that the boundary line may be referred to one of them without a longer measurement than one kilometre. The magnetic bearings of triangulation lines should be observed with the needle of the 4-inch theodolite when practicable, and where triangulation is impracticable resort may be had to linear measurements. A topographical survey or sketch will also be carried on over the same route, but all possible additional geographical information will be collected, particularly as to the location of mountain peaks and the existence or non-existence of a *range* of mountains parallel to the coast. Should a range of mountains be found to exist, it is of the first importance that its distance from the coast and its general trend should be determined, unless such distance should considerably exceed the specified 30 nautical miles.

Mr. L. A. Baldwin has been assigned to your party as aid and Messrs. J. F. Pratt and J. A. Flemer as topographers. These two topographers will at the proper time be detailed, with one man each, to accompany the two Canadian topographical parties. Their duties when so detailed will be to make such a reconnaissance, based on angular measurements and magnetic bearings, and checked by such astronomical observations as may be practicable, as will serve to form a just estimate of the value of the surveys made by the Canadian parties, and for the location of mountain peaks and mountain ranges, if the latter shall be found to exist. It is expected that the officer so detailed will be furnished with shelter and subsistence by the Canadian parties, but he will, of course, bear his share of the expenses of the mess. Similarly, the Canadians will detail one of their officers to accompany your party, and you will furnish him with every facility for informing himself of the nature and progress of your work, looking out for his shelter and subsistence on conditions similar to those referred to above.

The topographers detailed to accompany the Canadian parties must be instructed to conform to the rules and regulations of said parties, in so far as they do not conflict with my instructions as to their duties.

The provisions for the use of your party may be purchased on Coast and Geodetic Survey account, provided you can arrange with the merchants from whom the purchase is made to return such unbroken and undamaged packages as may be left at the end of the season. This is permitted on account of the distance of the field of operations, making it necessary to purchase and transport exceptionally large supplies.

Upon the completion of the work on the Stikine River you are directed, if time and circumstances permit, to transfer your party so as to assist one of the other parties engaged on the work, but your astronomical station will not be discontinued until the close of the season.

You will at once issue such detailed instructions to the various members of your party as may be necessary, and direct them to proceed to Port Townsend. You will yourself proceed to San Francisco and thence to Port Townsend, transportation from that point for all the parties being furnished by the steamers *Patterson* and *Hassler*. The necessary outfit, &c., will also be carried by these steamers from San Francisco. In order to reduce the expenses of transportation of your party on the Pacific Coast, you will see that all of them procure round trip tickets to Seattle, from the starting point, by such routes as they may select, provided the cost is not greater than by any other route. Your own transportation should be by a round trip ticket to San Francisco, to which point it will be necessary for you to return at the end of the season.

Paragraph 61 of the Regulations is hereby waived in the case of the Alaska parties, and you are authorized to hire your men in California or at the Ports on Puget Sound, as may be found most convenient.

In order that you may fully understand the object of the work in which you will be engaged, and that you shall properly appreciate its importance, I invite your attention to that part of the Treaty of
275 1867—between the United States and Russia—which relates to the boundary line, the survey for which is now undertaken. It is as follows:—

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and

between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian), and finally, from the said point of intersection the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

IV. With reference to the line of demarcation laid down in the preceding article, it is understood:

1st. That the island called Prince of Wales Island shall belong wholly to Russia (now, by this cession to the United States).

2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this Convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

The several vessels, steam launches, &c., which will carry the parties to Alaska and which will be used in the execution of this work, will be under the command of Lieutenant Commander S. M. Ackley, U. S. N., Hydrographic Inspector of the U. S. Coast and Geodetic Survey, who has received instructions to so utilize the fleet as to render the most efficient assistance to the civilian parties and in accordance with their desires from time to time. In all movements of the vessels, however, in which their safety and that of their crews is in any degree hazarded, his authority must be paramount.

It is impossible, even if it were desirable, to give instructions in greater detail. Frequent verbal conferences have given you a clear idea of what is to be accomplished, and I feel assured that through the wisdom and professional skill of yourself and those assigned to duty with you, backed by an unselfish and loyal devotion to the public service which will not be wanting, the success of the undertaking in which you are about to engage will be everything that could be desired.

Respectfully yours,

(Signed) T. C. MENDENHALL,
Superintendent.

Mr. T. C. Mendenhall to Mr. John E. McGrath.

UNITED STATES COAST AND GEODETIC SURVEY,
OFFICE OF THE SUPERINTENDENT,
Washington, D. C., March 18, 1893.

MR. JOHN E. MCGRATH,
Assistant C. & G. Survey, Washington, D. C.

SIR:. You are hereby assigned to the charge of one of the parties to be engaged on the survey of the Taku Inlet, Alaska, for the purpose of obtaining such information and data as will enable the Commissioners to establish or agree upon a boundary line between South-East Alaska and the British possessions. An astronomical station will be established by the other party at some convenient point at or near the mouth of the inlet, and similar stations will be established by other parties at the Stikine River and the mouth of the Unuk River. These three stations will be connected chronometrically with the main astro-

nomical station at Sitka, by means of chronometers carried by th steamer *Hassler*.

These chronometers will be under the charge of Mr. H. C. Lor who will make the daily intercomparisons, and on the arrival of th *Hassler* at any astronomical station will make careful comparisons o the carried chronometers with those of the station. To insu
276 accuracy the astronomer of the station will also make this com parison, and in case of non-agreement the operation will b repeated by both. In case of the sickness or disability of the astro omer at either station, Mr. Lord will take his place, and the charg of the carried chronometers will then be assumed by one of th naval officers on the *Hassler*. The other Taku party will be under th charge of Assistant H. G. Ogden, and you will confer with him an arrange for the proper division of the work between the two partie The chiefs of parties will themselves execute the triangulation from th Taku astronomical station (which will also be connected with one o more points of the coast triangulation) to a point on the inlet or rive distant not less than 30 nautical miles from the coast of the mainlan in a direction at right angles to its general trend. The importa triangulation stations should be marked in the most permanent manne that circumstances will permit, and in the vicinity of the terminal poi particular care must be exercised in marking permanent natural object and in securing points so near to each other that the boundary line ma be referred to one of them without a longer measurement than on kilometre. The magnetic bearings of triangulation lines should b observed with the needle of the 4-inch theodolite when practicable, an where triangulation is impracticable resort may be had to linear mea urements.

A topographic survey or sketch will also be carried on over the sam route, but all possible additional geographical information will be co lected, particularly as to the location of mountain peaks and the exis ence or non-existence of a *range* of mountains parallel to the coas Should a range of mountains be found to exist, it is of the first impo tance that its distance from the coast and its general trend should b determined, unless such distance should considerably exceed the spec fied 30 nautical miles.

Mr. F. A. Young has been assigned to your party as aid. Th provisions for the use of your party may be purchased on C. and G Survey account, provided you can arrange with the merchants fro whom the purchase is made to return such unbroken and undamage packages as may be left at the end of the season. This is permitte on account of the distance of the field of operations making it nece sary to purchase and transport exceptionally large supplies.

Upon the completion of the work on the Taku Inlet you are directed if time and circumstances permit, to transfer your party so as to assi one of the other parties engaged on the work.

You will at once issue such detailed instructions to Mr. Young a may be necessary and direct him to proceed to Port Townsend. Yo will yourself proceed to San Francisco and thence to Port Townsend transportation from that point for all the parties being furnished b the steamers *Patterson* and *Hassler*. The necessary outfit, &c., wi also be carried by these steamers from San Francisco. In order t reduce the expenses of transportation of your party to the Pacifi

Coast, you will see that Mr. Nelson procures a round trip ticket to Seattle, from the starting point, by such route as he may select, provided the cost is not greater than by any other route. Your own transportation should be by a round trip ticket to San Francisco, to which point it will be necessary for you to return at the end of the season.

Paragraph 61 of the regulations is hereby waived in the case of the Alaska parties, and you are authorized to hire your men in California or at the Ports on Puget Sound, as may be found most convenient.

In order that you may fully understand the object of the work in which you will be engaged, and that you shall properly appreciate its importance, I invite your attention to that part of the Treaty of 1867, between the United States and Russia, which relates to the boundary line, the survey for which is now undertaken. It is as follows:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

277 IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

1st. That the island called Prince of Wales Island shall belong wholly to Russia (now, by this cession, to the United States).

2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this Convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

The several vessels, steam launches, &c., which will carry the parties to Alaska and which will be used in the execution of this work, will be under the command of Lieutenant Commander S. M. Ackley, U.S.N., Hydrographic Inspector of the U. S. Coast and Geodetic Survey, who has received instructions to so utilize the fleet as to render the most efficient assistance to the civilian parties and in accordance with their desires from time to time. In all movements of the vessels, however, in which their safety and that of their crews is in any degree hazarded, his authority must be paramount.

It is impossible, even if it were desirable, to give instructions in greater detail. Frequent verbal conferences have given you a clear idea of what is to be accomplished, and I feel assured that through the wisdom and professional skill of yourself and those assigned to duty with you, backed by an unselfish and loyal devotion to the public service which will not be wanting, the success of the undertaking in which you are about to engage will be everything that could be desired.

Respectfully yours,

(Signed) T. C. MENDENHALL,
Superintendent.

Mr. T. C. Mendenhall to Mr. E. F. Dickins.

U. S. COAST AND GEODETIC SURVEY,
Washington, D. C., March 18, 1893.

Mr. E. F. DICKINS,
Assistant, U. S. C. & G. Survey, San Francisco, Cal.

SIR: As stated in my previous letter, the California triangulatio will be suspended during the coming summer, and you will be charge with the execution of a reconnaissance of the Unuk River, Alaska, i connection with a Canadian party making a preliminary survey fc the location of the boundary line between Alaska and the Britis Possessions.

You will first establish an astronomical station at some convenier point at or near the mouth of the Unuk River, which you will leav in charge of the astronomer who will be directed to report to you, an who will determine the latitude and magnetics, and observe as fr quently as possible for time, so that the rates of the chronometer ma be accurately known. Similar stations will be established by othe parties at the Taku Inlet and the mouth of the Stikine River, an these three stations will be connected chronometrically with the mai astronomical station at Sitka by means of chronometers carried by th steamer *Hassler*. These chronometers will be under the charge c Mr. H. C. Lord, who will make the daily intercomparisons, and o arrival of the *Hassler* at any astronomical station will make carefu comparisons of the carried chronometers with those of the station To insure accuracy the astronomer of the station will also make thi comparison, and in case of non-agreement the operation will be repeate by both.

In case of the sickness or disability of the astronomer at either sta tion, Mr. Lord will take his place, and the charge of the carried chr nometers will then be assumed by one of the naval officers on th *Hassler*. As only one set of magnetic instruments is available fo Alaska, they will be carried from station to station in such order a the chiefs of parties may decide.

278 You will yourself, with one man, and accompanied by th Canadian party, make a reconnaissance from the mouth of th river to a point not less than 30 nautical miles from the shore o the mainland, in a direction at right angles to its general trend, wit a view to determining the most advantageous route for a trigonomet rical survey, or whether such a survey is practicable. This is th main object of the expedition and therefore, by agreement with th Canadian Commissioner, the Canadian party will accompany you, an afford you such facilities as they can. They will furnish you wit shelter and subsistence, but you will of course bear your share of th expenses of the mess.

You will also afford the chief of the Canadian party every facilit for informing himself of the nature and progress of your work.

After the completion of this reconnaissance the conditions will b reversed, and you will then accompany the Canadians on such surve as they may see fit to take up, your duty then being to make such reconnaissance based on angular measurements and magnetic bearing and checked by such astronomical observations as may be practicabl as will serve to form a just estimate of the value of their survey, an

for the location of mountain peaks and mountain ranges, if the latter shall be found to exist.

You will make a topographical sketch of the route, and all possible geographical information will be collected, particularly as to the location of mountain peaks and the existence or non-existence of a range of mountains parallel to the coast. Should such a range be found to exist, it is of the first importance that its distance from the coast and its general trend should be determined, unless such distance should considerably exceed the specified 30 nautical miles.

You will still be furnished by the Canadian party with shelter and subsistence, and will conform to the rules and regulations of the party in so far as they do not conflict with my instructions.

Upon the completion of the work of the Canadian party, you will, if time and circumstances permit, transfer your party so as to assist one of the other coast survey parties; but your astronomical station will not be discontinued until the close of the season.

The chiefs of the other parties will reach San Francisco early in April, and to save time, you will, previous to their arrival, attend as far as possible the preparations for all the parties, in accordance with the memorandum already sent you, and the purchase of necessary outfit and provisions in accordance with list herewith enclosed.

The provisions may be purchased on Coast and Geodetic Survey account, provided you can arrange with the merchants from whom the purchase is made for the return of such unbroken and undamaged packages as may be left at the end of the season. This is permitted on account of the distance of the field of operations, making it necessary to purchase and transport exceptionally large supplies.

The steamers *Hassler* and *Patterson* will furnish transportation of the parties and their outfit, supplies, &c., from San Francisco and Port Townsend, but you are authorized to proceed by rail from San Francisco and join the vessels at Port Townsend, as you will probably have arrangements to complete after their departure from San Francisco.

The astronomer for your party is not yet decided upon, it having been found necessary to change the original programme and assign Mr. P. A. Welker to assist Ogden's party.

Paragraph No. 61 of the Regulations is hereby waived in the case of the Alaska parties, and they are authorized, in accordance with my previous memorandum, to hire men in California or at the ports of Puget Sound, as may be found most convenient.

In order that you may fully understand the object of the work in which you will be engaged and that you shall properly appreciate its importance, I invite your attention to that part of the Treaty of 1867—between the United States and Russia—which relates to the boundary line, the survey for which is now undertaken. It is as follows:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude,
79 and between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree in its prolongation as far as the Frozen Ocean.

IV. With reference to the line of demarcation laid down in the preceding a it is understood—

1st. That the island called Prince of Wales Island shall belong wholly to (now, by this cession, to the United States).

2. That whenever the summit of the mountains which extend in a directio allel to the coast from the 56th degree of north latitude to the point of inter of the 141st degree of west longitude shall prove to be at the distance of mor ten marine leagues from the ocean, the limit between the British possessions a line of coast which is to belong to Russia as above mentioned (that is to say, th to the possessions ceded by this Convention) shall be formed by a line para the winding of the coast, and which shall never exceed the distance of ten leagues therefrom.

The several vessels, steam launches, &c., which will carry the ties to Alaska, and which will be used in the execution of this will be under the command of Lieutenant Commander S. M. Ac U. S. N., Hydrographic Inspector of the U. S. Coast and Geodetic vey, who has received instructions to so utilize the fleet as to rend most efficient assistance to the civilian parties and in accordance their desires from time to time. In all movements of the ve however, in which their safety and that of their crews is in any d hazarded, his authority must be paramount.

It is impossible, even if it were desirable, to give instructio greater detail. Frequent verbal conferences have given you a idea of what is to be accomplished, and I feel assured that throug wisdom and professional skill of yourself and those assigned to with you, backed by an unselfish and loyal devotion to the service which will not be wanting, the success of the undertaki which you are about to engage will be everything that could be de

Respectfully yours,

(Signed) T. C. MENDENHALL,
Superintende

Mr. T. C. Mendenhall to Mr. Homer P. Ritter.

UNITED STATES COAST AND GEODETIC SURVEY,
OFFICE OF THE SUPERINTENDENT,
Washington, D. C., March 29, 18

Mr. HOMER P. RITTER,
U. S. Coast and Geodetic Survey, Washington, D. C.

SIR: As stated in my preliminary instructions of ———, you w assigned to duty in Alaska as topographer, and will accompa Canadian party to be engaged on the survey of Holkham Bay. will proceed to Port Townsend, Washington, from which point portation to Alaska and return will be furnished all the parties b steamers *Hassler* and *Patterson*.

After joining the Canadians with one man you will make such a graphical reconnaissance, based on angular measurements and netic bearings and checked by such astronomical observations as be practicable, as will serve to form a just estimate of the val their surveys and for the location of mountain peaks and ranges, latter shall be found to exist.

The Canadians will furnish you with shelter and subsistence you will of course pay your share of mess expense, and you will

form to the rules and regulations of the chief of the Canadian party in so far as they do not conflict with my instructions.

280 Upon the completion of the work of the Canadian party you will, if time and circumstances permit, report to Assistant Ogden or Tittmann, as may be most convenient, and assist him in the completion of his work.

In order that you may fully understand the object of the work in which you will be engaged, and that you shall properly appreciate its importance, I invite your attention to that part of the Treaty of 1867—between the United States and Russia—which relates to the boundary line, the survey for which is now undertaken. It is as follows:

Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian), and finally, from the said point of intersection, the said meridian line of the 141st degree in its prolongation as far as the Frozen Ocean.

IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

1st. That the island called Prince of Wales Island shall belong wholly to Russia (now, by this session, to the United States).

2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned (that is to say, the limit to the possessions ceded by this convention), shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

The several vessels, steam launches, &c., which will carry the parties to Alaska, and which will be used in the execution of this work, will be under the command of Lieutenant Commander S. M. Ackley, U. S. N., Hydrographic Inspector of the U. S. Coast and Geodetic Survey, who has received instructions to so utilize the fleet as to render the most efficient assistance to the civilian parties and in accordance with their desires from time to time. In all movements of the vessels, however, in which their safety and that of their crews is in any degree hazarded, his authority must be paramount.

It is impossible, even if it were desirable, to give instructions in greater detail. Verbal conference has given you a clear idea of what is to be accomplished, and I feel assured that through your wisdom and professional skill, backed by an unselfish and loyal devotion to the public service which will not be wanting, the success of the undertaking in which you are about to engage will be everything that could be desired.

Respectfully yours,

(Signed) T. C. MENDENHALL,
Superintendent.

Mr. W. W. Duffield to Mr. W. F. King.

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, D. C., July 12, 18

Hon. W. F. KING,
International Boundary Commissioner, Ottawa, Canada.

SIR: The Secretary of State has seen fit to appoint me Interna Boundary Commissioner on the part of the United States, repl Dr. T. C. Mendenhall. Can you tell me whether you contempl trip to Alaska this summer, and if so, whether you desire me to you there?

Respectfully yours,

W. W. DUFFIELD,
Superintend

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281 *Extract from a Report of the Committee of the Honourab Privy Council, approved by His Excellency on the 30th 1895.*

The Committee of the Privy Council have had before th despatch, hereto attached, dated 29th June, 1895, from Her Maj Chargé d'Affaires at Washington, transmitting a copy of a note the United States Secretary of State advising the appointment o W. W. Duffield, Superintendent of the U. S. Coast and Geodetic vey, as a Commissioner of the United States under the Conventi the 22nd February, 1892, in place of Mr. T. C. Mendenhall.

The Committee, on the recommendation of the Minister of the rior, advise that your Excellency be moved to convey an intimati the Government of the United States that the appointment of Duffield is satisfactory to the Government of Canada.

All which is respectfully submitted for your Excellency's appr

(Signed) JOSEPH POPE,
Assistant Clerk of the Privy Coun

To the Honourable The MINISTER OF THE INTERIOR.

The Viscount Gough to Lord Aberdeen.

NEWPORT, *June 29, 18*

MY LORD: I have the honour to forward herewith, for your E lency's information, copy of a note which I received from Mr. O the Secretary of State, respecting the appointment of Mr. W Duffield, Superintendent of the U. S. Coast and Geodetic Surve Commissioner of the U. S. in place of Mr. Mendenhall.

I have, &c.

(Signed) GOU

His Excellency The EARL OF ABERDEEN.

Mr. Olney to the Viscount Gough.

D. OF S.

No. 135.] *Washington, June 25, 1895.*

MY LORD: I have the honour to state that Mr. W. W. Duffield, Superintendent of the U. S. Coast and Geodetic Survey, has been designated as the Commissioner of the U. S., agreeably to the Convention between the U. S. and Great Britain of February 22, 1892, as extended by that of February 3, 1894, in place of Mr. T. C. Mendenhall, who has been directed to make, with as little delay as possible, his final report with reference to the North-Eastern Division, the work of which, it is understood, is finished.

Asking that you will apprise the Canadian Government of this change.

I have, &c.

(Signed) R. OLNEY.

The VISCOUNT GOUGH.

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382 *Report of Messrs. Duffield and King, 31st December, 1895.*

The undersigned, William Ward Duffield, on behalf of the United States of America, and William Frederick King, on behalf of Her Britannic Majesty, duly appointed Commissioners under and by virtue of the First Article of the Convention of July 22nd, 1892, between the United States and the United Kingdom of Great Britain and Ireland, have the honour to submit the following joint report of our proceedings and transactions under the said First Article of the Convention which reads as follows:—

The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the United States of America and the Dominion of Canada dividing the Territory of Alaska from the Province of British Columbia and the North-West Territory of Canada, from the latitude of 54° 40′ North to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissioners to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line, in accordance with the spirit and intent of the existing Treaties in regard to it between Great Britain and Russia and between United States and Russia.

Application will be made without delay to the respective legislative bodies for the appropriations necessary for the prosecution of the survey, and the Commissioners so be appointed by the two Governments shall meet at Ottawa within two months after said appropriation shall have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final reports hereof within two years from their first meeting.

The Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

Each Government shall pay the expenses of the Commission appointed by it.

Each Government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissioners, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that, as soon as practicable after the report, or reports, of the Commissioners shall have been received, they will proceed to consider and establish the boundary line in question.

The first meeting of the Commissioners appointed under this Article was held at Ottawa on the 28th day of November, 1892. By the sup-

plementary Convention of the 3rd February, 1894, the time fo completion of the work and the submission by the Commissione their joint or separate reports, which, by the former Conve expired two years from the date of the first meeting of the Co sioners, that is to say, on the 28th November, 1895, was extend the 31st December, 1895.

The Treaties relating to and defining the international boundar between Canada and the United States of America in the regi question are the Treaty between Great Britain and Russia, dated February, 1825, and the Treaty between the United States and R dated 30th March, 1867.

Our Commission, under said Article I of the Convention of applies only to that portion of the boundary described in these Tr from the southernmost point of Prince of Wales Island to the meridian.

With a view to the performance of the duty imposed upon the missioners under the Convention of ascertaining the facts and necessary to the permanent delimitation of the boundary line under the option allowed them of making either a coincident or survey, Dr. Thomas C. Mendenhall, at the time Commissioner fo United States (since replaced by the undersigned, William Ward field), together with the undersigned British Commissioner, h considered the large extent of unknown territory involved an comparatively short time allowed for the survey, determ
283 that it was advisable to make the survey a joint one; that partition among the officers working under them respect the territory to be surveyed, arranging at the same time that Commissioner should detail attachés to accompany the several su ing parties of the other, for the purpose of observing and veri their work.

The United States Commissioner undertook to make surveys precise a nature as practicable of the principal water courses v traverse the coast strip; and the British Commissioner undertoo make a photo-topographical survey of the mountainous regions between these various water courses.

A preliminary trigonometrical survey of the principal deep-v passages, including the continental shore line from Portland Can Lynn Canal, had already been completed by the United States and Geodetic Survey, and careful determinations of the geograp positions of Mount St. Elias (as hereinafter given), and of va mountain peaks in that region, were made by the same organizati 1892, at which time a partial survey of the shore line of Yakutat was also made. This completed work helped to co-ordinate detached surveys of the various parties sent out by the two Com sioners.

In pursuance of this plan, during the year 1893, the following tlemen were given parties on behalf of the United States, namely:

Mr. Dickins, on the Unuk River.

Mr. Tittmann, on the Stikine River.

Mr. McGrath, on the Taku Inlet.

Mr. Ogden, on the Taku River.

Their duties were to make surveys of these waterways, and to cure as much information as possible as to the topography of the cent regions. Mr. Driscoll accompanied Mr. Ogden as attaché appoi

by the British Commissioner, and Mr. Robertson accompanied Mr. Tittmann in a like capacity. Mr. Dickens' survey of the Unuk River was made in conjunction with Mr. Saint Cyr, of the British Commission, who, besides making a traverse of the Unuk River, paid particular attention to the mountainous regions on either side of the river.

On behalf of the British Commission, the following gentlemen were placed under instructions to make topographical surveys as full and complete as their means would allow:—

Mr. Saint Cyr, the Unuk River and the mountainous regions on either side of it.

Mr. Klotz, adjoining him to the west and north-west, towards Bradfield Canal.

Mr. Talbot, to the south and east of the Stikine.

Mr. Gibbons, to the west of the Stikine.

Mr. Brabazon, at Holkham Bay, on the east side of Stephen's Passage.

Mr. McArthur, at Snettisham Bay, and thence to Taku Inlet and Taku River.

Mr. Ogilvie, to the north and west of Taku Inlet, and east of Lynn Canal.

The attachés of the United States Commissioner accompanying them were as follows:—

Mr. Flemer with Mr. Talbot.

Mr. Pratt with Mr. Gibbons.

Mr. Ritter with Mr. Brabazon.

Mr. Welker with Mr. McArthur.

Mr. Hodgkins with Mr. Ogilvie.

Mr. Dickins, working with Mr. Saint Cyr, as above stated.

In addition to the above, the United States Commissioner stationed Mr. Morse at Sitka to make astronomical observations for the determination of chronometric differences of longitude between Sitka as a base station and the observatories established by Mr. Dickins at Burroughs Bay with Dr. Edmonds as observer, by Mr. Tittmann at Fort Wrangell with Mr. Putnam as observer, and by Mr. Ogden at the mouth of the Taku River with Mr. French as observer. At each of the above stations latitude and longitude were also determined. The United States steamer *Hassler* was employed throughout the season in making the necessary exchanges of time, the chronometers being in charge of Mr. Lord.

The parties were on the ground and the work begun in the middle of May; and the early snow falls rendering mountain work impossible, it was found necessary to retire from the field in September.

284 During the following year, 1894, the following parties were placed in the field, on behalf of the United States Commission:—

Mr. Pratt on the Chilkat Inlet and River and on Chilkoot and Taiya Inlets and Taiya River, he being engaged chiefly in triangulation.

Mr. Dickins on Unuk River and Chilkat Inlet.

Mr. Flemer on Chilkoot and Taiya Inlets.

Mr. Ritter on Chilkat Inlet and River.

Mr. McGrath on the coast westward from Yakutat Bay and at Lituya Bay.

Mr. Morse at Sitka longitude station.

Latitude and longitude were determined at the observatory at Anchorage Point, Pyramid Harbour, the steamer *Hassler* making the necessary chronometer trips as before.

Mr. Hayford made the observations at Pyramid Harbour and Mr Page had charge of the chronometers on the *Hassler*.

On behalf of the British Commission:—

Mr. Saint Cyr at the head of the Portland Canal and thence to th Chickamin River.

Mr. Klotz around Bradfield Canal.

Mr. Gibbons on the north of Frederick Sound from Horn Cliffs t Port Houghton.

Mr. Ogilvie on the east side of Lynn Canal, also on the outer coa beyond Cape Spencer.

Mr. McArthur at the north end of Lynn Canal and later on the oute coast at Lituya Bay.

Mr. Talbot on the west side of Lynn Canal towards Glacier Bay.

Mr. Robertson accompanied Mr. Pratt's party as attaché for th British Commissioner.

Except in this instance the system of attachés was discontinued b mutual consent of the Commissioners.

During the winter of 1894–95, a party under Mr. Ogilvie ascende the Taku River for the purpose of gaining additional information a to the region extending thence to the vicinity of White and Taiy Passes, which lead from Lynn Canal to the interior, but on account c tempestuous weather the expedition was obliged to return, havin accomplished nothing beyond a traverse survey of part of Taku Rive

During the season of 1895, Mr. Brabazon was detailed by the Britis Commissioner to the region lying between the mouth of the Alse River and Yakutat Bay.

Mr. Welker and Mr. Dickins were sent by the United States Com missioner to connect the surveys made in former years by the Unite States Coast and Geodetic Survey in Portland Canal with those i Revillagigedo Channel, and to determine more accurately the longitud of the stations along the Canal.

Mr. Dickins and Mr. Welker were placed in charge of parties i Alaska and Mr. Morse was stationed at Seattle as astronomer for th redetermination of the differences of longitude between that point an the observatories at Port Simpson, B. C., at Mary Island, Alaska, and a station at the head of Portland Canal. The observations for latitud and longitude were made by Mr. French at Port Simpson, by Mr. Dick ins, at Mary Island, and by Mr. Welker at Lion Point, Portland Cana

Mr. Young was in charge of the chronometers carried by the steame *City of Topeka*, between Seattle and the stations at Port Simpson an Mary Island.

Comparisons between Port Simpson and Lion Point were effecte by the United States launch *Fuca*.

The results of all these surveys are exhibited in the accompanyin Maps, namely, sheets Nos. 1 to 24, made on a scale of $\frac{1}{10000}$ with cor tour lines of elevations 250 feet apart, from the surveys of the Britis Commission; and in Maps Nos. 1 to 12 of the United States Commis sion, made on the same scale.

These Maps have been agreed to by us, subject to the limitation hereinafter set forth, as correct representations of the topographic features, and have been signed by us to testify thereto. In submittin

two sets of Maps which cover the same ground, and which, to
285 large extent, have been prepared independently in the office of the respective Commissioners at Washington and Ottawa, is understood that wherever there is a difference between the Map

her from different methods of representing the topography or from crepancy as to the position of natural features or otherwise, such ference is to be interpreted by reference to the hereinbefore scribed scheme of partition of the survey work between the respec- e Commissions; and where the surveys cover the same or nearly same ground, the Maps are to be taken as mutually explanatory, ring regard to the conditions under which each survey was made. e continental shore line, from latitude 54° 40′ to Point Coverden, at south-westerly entrance to Lynn Canal, having been surveyed by United States Coast and Geodetic Survey, the United States Map ll, in case of discrepancy, govern as to the shore line; so also from kutat Bay to the 141st meridian. But from Point Coverden north- sterly to Yakutat Bay, including Glacia Bay and the other Bays, ich, with the exception to the entrance to Lituya Bay, have not n so surveyed, the Maps of the British Commission shall govern. e shore line of the islands of the Alaskan Archipelago have been pped according to the surveys of the United States Coast and Geo- ic Survey, wherever such survey has been made; elsewhere the best ormation available has been used.

To show the topographical features of the country in another way, herewith submit photographic views, being contact prints from the otographic negatives of the officers of the British Commission, whose rk was largely executed as to the detail or "filling in" by means of se views, according to the method known as photo-topography, the mework being laid out by triangulations which are shown in sheets s. 25, 26, 27 and 28 of the British Commission. These views will o serve as a permanent record of the field work. Plans of the tri- gulation executed by the officers of the United States Commission submitted herewith on sheet No. 13 of the United States Com- ssion.

Besides the information contained in the Maps, we have to report to the point of commencement named in the Treaty of 1825, that the itudes of Capes Muzon and Chacon as determined by the British servers are as follows:—

Cape Muzon 54° 39′ 50″.
Cape Chacon 54° 41′ 25″.

As determined by the United States observers these latitudes are:—

Cape Muzon 54° 39′ 48″.
Cape Chacon 54° 41′ 22″.

These results are so nearly alike that there is no practical discrep- ncy between them.

Also, the summit of Mount St. Elias is by the best determination in titude 60° 17′ 35″·10 and longitude 140° 55′ 47″·32, being 28·830 utical miles from the line of coast west of Yakutat Bay, and 2·41 atute miles east of the 141st meridian.

We conceive it unnecessary for us, having prepared Maps showing much detail, to enter into a lengthy description of the topography. t may be well, however, to add some remarks upon the mode of occur- ence of timber, since this is not shown on the Maps.

Speaking broadly, we may say that the average altitude of the tim- er line between Burrough's Bay and Lynn Canal is 2,500 feet, being little higher in the south and a little lower in the north. Timber ine is primarily a matter of heat, so that altitude and latitude have imilar effects. However in a country of which so much has but

recently been uncovered from glaciers, timber line is affect
another factor, and that is the presence of soil for trees to tak
As the foot of a mountain is first exposed, the forest starts the
in time, as exposure and consequent disintegration take place,
upwards. Now there are many points in the area above refe
where this process of forest creeping has not reached the limit
climatic conditions, and hence we find timber lines near each
but varying in altitude by hundreds of feet. This is most noti
on the west side of Lynn Canal. Naturally we would expect th
ber line in the south to be higher than in the north, but as a ma
fact it is the reverse there, being scarcely 2,000 feet for the f
and nearly 3,000 feet for the latter. In general the timber line
east side of Lynn Canal is somewhat higher than on the we
286 Around Juneau the timber line does not reach the 2,0
limit. Between the entrance of Glacier Bay across Dund
Taylor Bays and Cape Spencer the timber line may be put at
feet above the sea. In Glacier Bay, northward from the entran
timber line rapidly descends and in the northern part the forest
tically disappears altogether. In fact along many of the smalle
there no wood whatever is found. This phenomenon is plainly
tive of the recent recession of the vast complex of glaciers.
outside, between Lituya Bay and Cape Spencer, the line is barel
feet, while in Yakutat Bay it is 1,500 feet. Most of the mou
between Yakutat Bay and Lituya Bay are not timbered at all, b
is probably due—up to 2,000 feet—to the fact already stated, *i.e.*
the recession of the glaciers is too recent to admit of the nec
disintegration for vegetation to spring up, as well as to the effec
the temperature of the nearness of the existing glaciers.

The altitude of the timber line at various points is as follows

Place.	Maximum.
Portland Canal	2,600
Unuk River	2,900
Burrough's Bay	2,800
Bradfield's Canal	2,700
South of Stikine	2,700
North of Stikine	.....
Thomas Bay	.....
Endicott Arm	2,500
Snettisham Bay	2,700
Taku Inlet	.....
East Side Lynn Canal	2,900
Head of Lynn Canal	3,000
West Side of Lynn Canal	2,400
Outside, west of Cape Spencer	1,500

It is understood and agreed that in signing this joint repo
signing and accepting the Maps they have submitted, it is not
fore affirmed or admitted by the Commissioners that there is aut
for the application of the names used to designate the various
mountains, bays, channels, islands, &c.

In witness whereof we have hereunto set our hands at Albany
York, this thirty-first day of December, 1895.

(Signed) W. W. DUFFIELD,
United States Commissi

(Signed) W. F. KING,
Her Majesty's Commissio

Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America, for the demarcation of so much of the 141st meridian of west longitude as may be necessary for the determination of the boundary between their respective possessions in North America.—Signed at Washington, 30th January, 1897.

Whereas by a Treaty between the United States of America and Majesty the Emperor of all the Russias, for the cession of the ssian possessions in North America to the United States, concluded h March, 1867, the most northerly part of the boundary line ween the said Russian possessions and those of Her Britannic jesty, as established by the prior Convention between Russia and eat Britain, of $\frac{16}{28}$ February, 1825, is defined as following the 141st ree of longitude west from Greenwich, beginning at the point of ersection of the said 141st degree of west longitude with a certain drawn parallel with the coast, and thence continuing from the said nt of intersection upon the said meridian of the 141st degree in its longation as far as the Frozen Ocean;

And whereas the location of said meridian of the 141st degree of st longitude between the terminal points thereof defined in said eaties is dependent upon the scientific ascertainment of convenient nts along the said meridian and the survey of the country intermete between such points, involving no question of interpretation of aforesaid Treaties, but merely the determination of such points l their connecting lines by the ordinary processes of observan and survey conducted by competent astronomers, engineers and rveyors;

And whereas such determination has not hitherto been made by a nt survey as is requisite in order to give complete effect to the said eaties, although independent observations and surveys have been nducted from time to time and are now being conducted by expert icers in the services of their respective Governments along the said eridian of the 141st degree of west longitude; resulting in the colction of scientific data and the establishment of stations on or near id meridian, of which the two Governments may avail themselves r the purpose of accomplishing the object of this Convention;

Her Majesty the Queen of the United Kingdom of Great Britain nd Ireland, and the United States of America being equally desirous provide for the removal of any possible cause of difference between eir respective Governments in regard to the location of the said 141st eridian of west longitude, have resolved to conclude a Convention that end, and for that purpose have appointed as their respective lenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain nd Ireland, His Excellency Sir Julian Pauncefote, G.C.B., G.C.M.G., mbassador Extraordinary and Plenipotentiary of Great Britain; and

The President of the United States, Richard Olney, Secretary of tate of the United States:

Who, after having communicated to each other their respective full owers, which were found to be in due and proper form, have agreed o, and concluded the following Articles:—

ARTICLE I.

Each Government shall appoint one Commissioner with whon
be associated such surveyors, astronomers and other assistants a
Government may elect.

The Commissioners shall at as early a period as practicable pr
to trace and mark under their joint direction, and by joint oper
in the field, so much of the 141st meridian of west longitude as i
essary to be defined for the purpose of determining the exact lin
the territory ceded to the United States by the Treaty betwee
United States and Russia of March 30, 1867.

Inasmuch as the summit of Mount St. Elias, although not ascer
to lie in fact upon said 141st meridian, is so nearly coincident ther
that it may conveniently be taken as a visible landmark wherel
initial part of said meridian shall be established, it is agree
288 the Commissioners, should they conclude that it is advisa
do so, may deflect the most southerly portion of said line
to make the same range with the summit of Mount St. Elias
deflection not to extend more than twenty geographical miles
wardly from the initial point.

ARTICLE II.

The data relating to the determinations already made at this ti
either of the two Governments concerned, of points on or nea
141st meridian for the purpose of fixing its position, shall be subr
by each Government to the Commissioners, who shall decide wh
the results of the determinations shall be adopted by them.

In case of disagreement between the Commissioners as to the c
geographical co-ordinates of one and the same point, determin
either of the two Governments separately, a position midway be
the two locations in question, of the 141st meridian shall be ad
provided the discrepancy between them shall not exceed one
sand feet.

In case of a greater discrepancy a new joint determination sh
made by the Commissioners.

ARTICLE III.

The location of the 141st meridian as determined hereunder sh
marked by intervisible objects, natural or artifical, at such dist
apart as the Commissioners shall agree upon, and by such addi
marks as they shall deem necessary, and the line when and where
marked, in whole or in part, shall be deemed to permanently
for all international purposes the 141st meridian mentioned i
Treaty of 30th March, 1867, between the United States and Russi
in the Treaty of February $\frac{28}{16}$, 1825, between Great Britain and R

The location of the marks shall be described by such views,
and other means as the Commissioners shall decide upon, and dup
records of these descriptions shall be attested by the Commissi
jointly and be by them deposited with their respective Governm
together with their final report hereinafter mentioned.

ARTICLE IV.

Each Government shall bear the expenses incident to the employ-ent of its own appointees and of the operations conducted by them, it the cost of material used in permanently marking the meridian, d of its transportation, shall be borne jointly and equally by the o Governments.

ARTICLE V.

The Commissioners shall diligently prosecute the work to its com-etion, and they shall submit to their respective Governments from ne to time, and at least once in every calendar year, a joint report progress, and a final comprehensive report upon the completion of e whole work.

The present Convention shall be duly ratified by Her Britannic ajesty and by the President of the United States of America, by d with the advice and consent of the Senate thereof, and the ratifi-tions shall be exchanged at Washington or in London as soon as ssible within twelve months from the date thereof.

In faith whereof, we the respective Plenipotentiaries have signed is Convention and have hereunto affixed our Seals.

Done in duplicate in Washington, the thirtieth day of January, one ousand eight hundred and ninety-seven.

[L. S.] JULIAN PAUNCEFOTE,
[L. S.] RICHARD OLNEY.

NOTE:—This Convention failed to be ratified by the Senate of the United States.

:9 *The Commissioner of Customs, Canada, to Mr. W. B. Howell.*

[Copy.]

ile 32189, No. 1.]

OTTAWA, *July 22, 1897.*

'. B. HOWELL, Esq.,
Assistant Secretary, Treasury Dept., Washington, D. C.

May Canadian goods pass from Juneau, Alaska, to Yukon frontier ithout payment customs duties if parties pay for United States' ficers accompanying goods? Please wire reply, and instruct your ficers at Juneau.

JOHN MCDOUGALD.
Commissioner of Customs.

Mr. W. B. Howell to the Commissioner of Customs, Canada.

[Copy.]

ile 32189, No. 2.]

WASHINGTON, D. C., *July 22, 1897.*

Ion. JOHN MCDOUGALD,
Commissioner of Customs, Ottawa, Ont.

Arrangement suggested in your telegram under consideration; will dvise you to-morrow. Would it facilitate matters to make Dyea a ub-port of entry?

W. B. HOWELL,
Assistant Secretary.

The Commissioner of Customs, Canada, to Mr. W. B. Howell.

[Copy.]

File 32189, No. 3.]

OTTAWA, *July 23, 1897.*

W. B. HOWELL,
Assistant Secretary, Treasury Dept., Washington, D. C.

It would facilitate matters if Dyea made sub-port of entry pending settlement of boundary question. If agreed to, please wire instructions to allow British steamers from Canadian ports to land and receive passengers and goods at Dyea.

JOHN MCDOUGALD,
Commissioner of Customs.

Mr. W. B. Howell to the Commissioner of Customs, Canada.

[Copy.]

File 32189, No. 4.]

WASHINGTON, D. C., *July 23, 1897.*

Hon. JOHN MCDOUGALD,
Commissioner of Customs, Ottawa.

Dyea has been made sub-port of entry, and collector at Juneau advised that steamers may proceed there and unload, entering merchandise for transportation, to be accompanied by a customs officer at expense of owners.

W. B. HOWELL,
Assistant Secretary.

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290 *The Commissioner of Customs, Canada, to Mr. W. B. Howell.*

[Copy.]

File 32189, No. 5.]

OTTAWA, *July 27, 1897.*

W. B. HOWELL,
Assistant Secretary, Treasury Dept., Washington, D. C.

Will you please wire Collector Saunders at Port Townsend, State of Washington, to instruct Collector of Customs of Juneau, Alaska, that Dyea has been made a sub-port of customs, and authorize Collector Saunders to wire such instructions to our Collector or to your Consul at Victoria, British Columbia, so that they can be sent to Juneau by steamer leaving twenty-eighth July.

JOHN MCDOUGALD,
Commissioner of Customs.

Mr. W. B. Howell to the Commissioner of Customs, Canada.

[Copy.]

File 32189, No. 6.]

WASHINGTON, D. C., *July 28, 1897.*

Hon. JOHN MCDOUGALD,
Commissioner of Customs, Ottawa, Ont.

Deputy Collector of Customs at Juneau already instructed by wire in regard to Dyea. American Consul at Victoria will be duly informed.

W. B. HOWELL,
Assistant Secretary.

From the Secretary of State of Canada to Mr. W. B. Howell.

[Copy.]

ile 32189, No. 7.]

OTTAWA, *August 19, 1897.*

V. B. HOWELL, Esq.,
Assistant Secretary, Treasury Dept., Washington, D. C.

Freight and passengers for Yukon are going in by White Pass and ıe landing is at Skagway Bay, three miles south of Dyea. American essels deposit freight and passengers at the bay, but privilege refused) Canadian vessels. Customs officers can as conveniently pass entries : Skagway as at Dyea. Will you please instruct officials by wire to xtend privilege of landing at Skagway Bay to Canadian vessels as ɔnceded to American vessels. Please wire me if instructions will be ɜnt.

R. W. SCOTT,
Secretary of State and Acting Minister of Customs.

Mr. W. B. Howell to the Secretary of State of Canada.

[Copy.]

ile 32189, No. 8.]

WASHINGTON, D. C., *August 20, 1897.*

lon. R. W. SCOTT,
Secretary of State, Ottawa, Ont.

On sixth instant, limits of port of Dyea were extended to include kagway and deputy in charge instructed accordingly. This action ave Canadian vessels same rights as vessels of United States. Have gain wired deputy, all vessels may enter at Skagway.

W. B. HOWELL,
Assistant Secretary.

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91 [Inclosure in No. 34.]

Sir J. Pauncefote to Mr. Sherman.

WASHINGTON, *February 23, 1898.*

SIR: I am desired by the Marquis of Salisbury to approach your lovernment with a proposal for the settlement of that part of the ɑundary-line between Alaska and British Columbia which runs along ıe coast south of Mount St. Elias, and is defined in Articles III and V of the Convention between Great Britain and Russia of 1825.

The ascertainment of the true line of demarcation under the Conention has at various times occupied the attention of the two Govrnments since the cession of Alaska to the United States in 1867; and ı 1889 important documents on the subject were transmitted to Conress, by the President, but the informal discussions which have itherto taken place have led to no practical result.

The great traffic which is now attracted to the valley of the Yukon ı the North-West Territory by the recent discovery of gold in that egion finds its way there from the coast, principally through certain

passes at the head of the Lynn Canal, and it has become more impor tant than ever for jurisdictional purposes that the boundary, especiall in that particular locality, should be ascertained and defined.

Her Majesty's Government therefore propose that the determina tion of the coast line of the boundary south of Mount St. Elias shoul at once be referred to three Commissioners (who should be jurists o high standing), one to be appointed by each Government, and a thir by an independent Power. It is suggested further that the Commis sion should proceed at once to fix the frontier at the head of the inlet through which the traffic for the Yukon valley enters, continuing sub sequently with the remaining strip or line of coast.

The Commission being authorised, in the event of gold being foun in any part of the country actually in dispute, to make a temporar arrangement for safeguarding the rights and interests of both partie until it was able to fix a line in a particular locality.

I am to add that if, pending the settlement of the boundary by th Commission, a *modus vivendi* could be amicably arranged, it would b viewed with satisfaction by Her Majesty's Government.

Hoping that the above proposal may be acceptable to your Gov ernment,

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

Sir J. Pauncefote to Lord Aberdeen.

WASHINGTON, *May 14, 1898.*

MY LORD: With reference to my telegram of to-day, I have th honour to transmit herewith to your Excellency copy of a *pro memori* which, under instructions from the Marquis of Salisbury, I delivere to the U. S. Secretary of State on the 18th instant respecting a provi sional delimitation of the Alaska Boundary in the region of the Lyn Canal, and copy of a note which I have received from him in reply.

I have forwarded copy of both these documents to Lord Salisbury.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

His Excellency The EARL OF ABERDEEN, G. C. M. G.

[Memorandum.]

APRIL 18, 1898.

Alaska Boundary.

In view of the wide divergence of views existing on the subject of the Alask Canadian Boundary, the Dominion Government fear that the suggestion to proce with the demarcation under the Convention of 1892 would lead to no result. The are, however, prepared to agree that a provisional line should be fixed withou prejudice to the claims of either party at the Watershed at the first summit north o Dyea, such a provisional boundary would be at a distance from the coast of consid erably more than ten leagues.

Mr. Day to Sir J. Pauncefote.

DEPARTMENT OF STATE,
Washington, May 9, 1898.

EXCELLENCY: Referring to your memorandum of April 18th ultimo, garding the marking of the boundary line between Alaska and the itish possessions, I have the honour to inform you that this Gov- ıment consents to the temporary demarcation of this boundary in e region about the head of Lynn Canal on the general plan sug- sted in your memorandum, namely, that the boundary line shall low the summit of the watershed surrounding the head of Lynn nal.

To accomplish this it is proposed that, in at least three localities on is watershed, namely, at the summit of White Pass, at the summit Chilkoot Pass, and at the summit of Chilkat Pass, suitable monu- ents be placed to mark definite points in the boundary thus tempo- rily defined. It is suggested that these monuments be placed by o Commissioners, one chosen on the part of the United States, the ıer on the part of Her Majesty's Government.

In consenting to the temporary marking of the boundary line in the thod just indicated, this Government desires it to be distinctly derstood on the part of both Governments that this arrangement is t to be construed as affecting in any manner rights under existing aties for the ultimate consideration and establishment of the bound- y line in question.

I have, &c.

(Signed) WILLIAM R. DAY.

His Excellency Sir J. PAUNCEFOTE.

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xtract from a Report of the Committee of the Honourable the Privy Council, approved by his Excellency on the 27th June, 1898.

The Committee of the Privy Council have had under consideration despatch, hereto attached, dated 14th May, 1898, from his Excel- ıcy Her Majesty's Ambassador at Washington, transmitting here- th a copy of a *Pro Memoria* which, under instruction from the arquis of Salisbury, he delivered to the United States Secretary of ate, on the 18th of April, 1898, respecting a provisional delimitation the Alaska boundary in the region of the Lynn Canal, and copy of ıote which he received from Mr. William R. Day in reply.

The Minister of the Interior, to whom the matter was referred, bmits that the proposition of the United States Government, as ıted therein, differs from the proposition set forth on behalf of nada by order of your Excellency on the 28th of May, 1898, in cer- n important particulars. This proposition was that, pending the ttlement of the boundary question, and as to the territory traversed the mountain passes which lead from Taiya Inlet, each Govern- ent shall remain in possession of the territory now actually occupied it, and for this purpose a line drawn at the summit of the passes,

or the watershed between the rivers flowing into Taiya Inlet and th tributaries flowing into the Yukon River, would be satisfactory t Canada.

The Minister submits that it is to be observed that the United State proposition, as communicated by Secretary Day to Sir Julian Paunce fote, substitutes "Lynn Canal" for "Taiya Inlet." Accordingl Secretary Day, while acceding to the Canadian proposition to plac the provisional line at the Taiya summit, proposes to apply the prin ciple of the watershed range between rivers flowing into Lynn Cana and rivers flowing into the Yukon River to the route commonly calle the Dalton Trail, which leads from the head of Chilkat Inlet. Th effect of this will be to place the boundary line much more than te marine leagues from the nearest salt water, whereas under the term of the Convention between Great Britain and Russia of 1825, and o that between the United States and Russia of 1867, the United States even if it be admitted that the coast spoken of in those Convention is the shore line of inlets (a claim which, however, is no
293 admitted by Canada), can have no claim to any territory beyon ten leagues from salt water. Moreover, Canada is at the pres ent time in effective possession of a portion of the territory on th seaward side of the summit of the Chilkat Passes by a mounted polic post and custom house on a tributary of the Chilkat River.

The Minister suggests as a suitable and unmistakable natural fea ture for a provisional boundary on the Chilkat route, for the purpos of avoiding conflicts of jurisdiction, but without prejudice to the right of either party when the boundary question is finally determined, th junction of the Klaheela (otherwise called Klehini) River with th Chilkat River.

The Minister states that, as regards the marking of this point, a well as of the summits of the Chilkoot and White Passes, it does no appear that it is necessary that Commissioners should be appointed The officers of the Government on the spot, either the customs officer or the military or mounted police officers, could arrange the matter planting posts, if necessary, in as satisfactory a manner as coul Commissioners specially appointed.

The Committee advise that your Excellency be moved to forward certified copy of this Minute to Her Majesty's Secretary of State fo the Colonies, and also to Her Majesty's Ambassador at Washington

All of which is respectfully submitted for your Excellency's approval

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

The Honourable The MINISTER OF THE INTERIOR.

Extract from a Report of the Committee of the Honourable the Priv Council, approved by His Excellency on October 22, 1901.

On a report dated 4th October, 1901, from the Minister of the Inte rior, submitting that on the accompanying chart, No. 3091, publishe by the United States Coast and Geodetic Survey, of part of the Pacifi Coast, the following names appear:—

St. House No. 1, on the eastern shores of Wales Island, at the en trance to the Strait, named Portland Inlet, but erroneously designate on this chart Portland Canal.

No. 2 Storehouse, on the eastern shore of Pearse Island, on the western side of the same Strait.

U. S. Storehouse No. 3, on the shore of Halibut Bay, which is a small indentation of the western shore of Portland Canal.

U. S. Storehouse No. 4, on the western shore of Portland Canal, to the north of the mouth of the Salmon River, near the head of Portland Canal.

The exact point designated by the name is indicated on the chart in each case by a small dot.

The Minister states that he is informed by Mr. King, who, as Commissioner under the Convention of 1892, had the direction of the Canadian surveying parties engaged in the joint survey of the territory adjacent to the undetermined boundary line between Alaska and British Columbia, that at the time that survey was in progress during the years 1893 and 1894 no buildings of such character as ordinarily to be shown on a navigator's chart were seen in these localities, although the supply vessel of the survey passed along the Portland Canal several times.

The Committee, on the recommendation of the Minister of the Interior, advise that His Excellency be moved to direct the attention of His Majesty's Secretary of State for the Colonies to this matter, with a view to an inquiry of the United States Government as to the nature of these storehouses and the reason for their erection in this territory, the title to which was and still is the subject of diplomatic negotiation.

All of which is respectfully submitted for His Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

To the Honourable The MINISTER OF THE INTERIOR.

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4 *Lord Pauncefote to the Marquis of Lansdowne.*

BRITISH EMBASSY,
Washington, March 20, 1902.

MY LORD: I have the honour to acknowledge the receipt of your Lordship's despatch No. 14, of January 23rd, transmitting copy of a letter from the Colonial Office, with inclosures from the Canadian Government, in which it was suggested that representations should be made to the United States Government in regard to certain storehouses marked on a chart of part of the Pacific coast, copy of which was inclosed, published by the United States Geodetic Survey.

On receipt of this despatch I addressed a note to Mr. Hay, stating that I had been directed by your Lordship to make an inquiry as to the nature of these storehouses, and the reason for their erection in territory the title to which was, and still is, the subject of diplomatic negotiations between Great Britain and the United States.

Mr. Hay informed me, in reply, that he did not find upon examination of the charts of the region referred to any indication of storehouses marked thereon. He added, however, that the storehouses were upon territory which had been in possession of the United States since its acquisition from Russia, and the designation of Portland Canal was such as had been noted on all the charts issued by the United

States since that acquisition. Mr. Hay further stated that he wa aware that His Majesty's Government had ever advanced any cla this territory before the signature of the Protocol of May 30th, preliminary to the appointment of the Joint High Commission.

Upon the receipt of this communication I addressed a further to Mr. Hay, stating the number of the chart on which the storeh in question were indicated.

I have now received a reply from the United States Governi stating that the omission of the storehouses on the later issue of was caused by an oversight of the draughtsman, and that they appear on the charts to be hereafter issued, but he offers no fu observations on the subject.

I have the honour to inclose copies of Mr. Hay's notes of Feb 28th and March 11th, and I also return the chart transmitted in Lordship's despatch.

I have, &c. PAUNCEFO

Mr. Hay to Lord Pauncefote.

[Copy.]

No. 2383.] DEPARTMENT OF STATE,
Washington, February 28, 19

EXCELLENCY: I have the honour to acknowledge the receipt of note on the 8th instant, in which you state that the Canadian Go ment has called attention to certain storehouses along the we shore of Portland Canal in Alaska marked upon a chart of the U States Coast and Geodetic Survey, and that you are directed b Marquis of Lansdowne to make an inquiry as to the nature of storehouses, and the reason for their erection in territory, the ti which you state was, and still is, the subject of diplomatic negotiat

I am pleased to respond to his Lordship's inquiry by stating t do not find, upon examination of the charts of the region referr issued by the United States Coast Survey, any indication of s houses marked thereon. A map with storehouses noted on i attached to a report of the Bureau of Engineers in 1896, which r shows that a chart of the survey was used as a basis of the exa tion then made. This report was transmitted by the Secretary of to Congress, and published by it December 14, 1896. This is d less the chart referred to in your note, and the report to whic attached will, it is believed, furnish the information sought for Lordship's inquiry.

I beg to add that the storehouses are upon territory which has in possession of the United States since its acquisition
295 Russia, and that the designation of Portland Canal is su has been noted on all the charts issued by the United S since that acquisition. I am not aware that the Government o Britannic Majesty ever advanced any claim to this territory befor signature of the Protocol of May 30, 1898, preliminary to the app ment of the Joint High Commission.

I have, &c. JOHN H

Mr. Hay to Lord Pauncefote.

[Copy.]

o. 2393.] DEPARTMENT OF STATE,
Washington, March 11, 1902.

EXCELLENCY: I have the honour to acknowledge the receipt of your xcellency's note of the 5th instant, No. 63, in which you state that ıe chart of the United States Coast and Geodetic Survey upon which ere indicated the storehouses referred to in your note of January 23 st is marked No. 3091.

I find that you are correct in this statement. Upon inquiry I am formed by the Superintendent of the Coast and Geodetic Survey that ıe omission of a notation of the storehouses on the later issue of charts ı his Bureau was caused by an oversight of the draughtsman, and ıat they will appear on the charts to be hereafter issued.

I have, &c.

JOHN HAY.

Mr. Raikes to the Hon. A. Adee.

BAR HARBOUR, ME., *September 6, 1902.*

SIR: Lord Pauncefote communicated to His Majesty's Government ›pies of Mr. Hay's notes of the 28th February and of the 2nd March st, in which he replied to the inquiry made by Lord Pauncefote as the nature of certain storehouses marked on a chart of part of the acific Coast, issued by the United States Coast and Geodetic Survey, ıd the reason for their erection in territory, the title to which is still ıe subject of diplomatic negotiations between Great Britain and the nited States.

In his note of the 28th February, Mr. Hay states that he was not vare of any claim having been advanced by Great Britain to the tertory in question previous to the signature of the protocol of the 30th ay, 1898, preliminary to the appointment of the Joint High Commission. In reply to this statement, I am directed by the Marquess of ansdowne to inform you that the Canadian Government, to whom ›pies of the correspondence have been forwarded, call attention to ıe note addressed by His Majesty's Minister at Washington to the nited States Secretary of State on the 5th June, 1891. In view of a ırtain passage in the report of the United States Coast and Geodetic ırvey, your Government was reminded in this note, at the desire of ıe Government of Canada, that the question of the boundary in the ighbourhood referred to was the subject of some difference of opinn, and that the actual line could only be properly determined by an ıternational Commission.

The Canadian Government point out that shortly after that date prosion was made in the Convention of the 22nd July, 1892, for the limitation of the boundary line in accordance with the "spirit and tent of the Treaties" and an agreement was entered into that the ›undary was to be considered and established as soon as practicable ter the receipt of the report of the Commissioners.

That report was signed on the 31st December, 1895, and laid before ıe Parliament of Canada and the United States Congress early in

1896; but in the same year, before the high contracting parties met to consider the boundary line, and while the matter was sti *judice*, the United States erected the storehouses on part of the ritory adjacent" which was the subject of the operations of the survey and of the diplomatic negotiations.

296 The Canadian Government conceive that occupation ef under such circumstances would not in international law any validity, but they are of the opinion that nevertheless the n should not be allowed to pass without protest, and they have ther expressed the desire that your Government should be informed of views on the subject.

In making this communication, and with reference to Mr. l above-mentioned statement, I have also the honour to draw attention to the remarks contained in Lord Salisbury's despatcl 213, of the 14th October, 1899, to Mr. Tower, a copy of whicl left with Mr. Hay on the 30th of that month.

I have, &c.

(Signed) ARTHUR S. RAIK

The Hon. A. Adee to Mr. Raikes.

DEPARTMENT OF STATE,
Washington, September 16, 19

SIR: I have the honour to acknowledge the receipt of your nc the 6th instant, relating to the erection by this Government of ce storehouses on a part of the Pacific coast, the ownership of which dispute between the United States and Canada.

I have, &c.

(Signed) ALVEY A. ADEE,
Acting Secreta

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)CUMENTS RELATING TO THE INTERNATIONAL JOINT HIGH COMMISSION, QUEBEC AND WASHINGTON, 1898-9.

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rotocol of the Conferences at Washington in May, 1898, preliminary to the appointment of a Joint Commission for the adjustment of questions at issue between the United States and Great Britain in respect to the relations of the former with the Dominion of Canada.

At the third meeting, held on Friday, the 27th May, the same Conrees being present, the subjects discussed at the previous meeting ere again under consideration, and the following statement of the ıbjects to be presented for the action of the Joint Commission was ;reed upon.

In order to attain a complete concord in the relation between the nited States and the Dominion of Canada it is expedient to come to ı agreement upon the following subjects:—

* * * * * * *

3. Provisions for the delimitation and establishment of the Alaska-ınadian boundary, by legal and scientific experts, if the Commission ıall so decide, or otherwise.

* * * * * * *

11. It was also understood that, so far as practicable, and in accordıce with the second paragraph of the Declaration adopted at the first eeting, each Government should communicate to the other, in adınce of the meeting of the Commission, a memorandum of its views ı each of the aforesaid subjects. .

Having concluded the subjects before them for consideration, the onference then adjourned without date.

In verification of the foregoing protocol of their proceedings and ɔnclusions, the Conferees aforesaid have hereunto affixed their names ı duplicate this 30th day of May, 1898, under reserve of the approval f their respective Governments.

(Signed) JULIAN PAUNCEFOTE.
L. H. DAVIES.
JOHN W. FOSTER.
JOHN A. KASSON.

INSTRUCTIONS TO THE BRITISH HIGH COMMISSIONERS.

No. 35.

The Marquis of Salisbury to the High Commissioners.

FOREIGN OFFICE, *July 19, 1898.*

MY LORD AND GENTLEMEN: The Queen having been graciously pleased to appoint you to be Her Majesty's High Commissioners for the purpose of discussing with Commissioners to be appointed by the Government of the United States various questions at issue between Great Britain and that country in respect to the relations of the latter with the Dominion of Canada, and of treating for an agreement as to the mode of their amicable settlement, I transmit to you herewith the necessary full powers for the purpose.

The principal subjects to be discussed will be found enumerated in the accompanying copy of a protocol, which was signed at Washington on the 30th May last by Sir Julian Pauncefote, Her Majesty's Ambassador to the United States, and the Honourable Sir Louis Davies, Minister of Marine and Fisheries of Canada, on behalf of Great Britain; and by the Honourable John Kasson and the Honourable J. W. Foster, on behalf of the United States.

The protocol further provides that any other unsettled difference, in addition to those specifically mentioned, may be considered and dealt with by mutual agreement of the Commissioners representing the two countries.

Her Majesty's Government desire to leave you full discretion as to the manner in which the various questions should be discussed and dealth with, and it is therefore unnecessary that I should furnish you with specific instructions in regard to them; but I have the honour to convey to you the following observations for your general guidance.

* * * * * * *

3. THE ALASKA BOUNDARY.

The Treaty with Russia of 1825 dealt with the boundary in two sections:—

1. The part south of Mount Elias, separating south-east Alaska from Canada.

2. The northern portion, which follows the 141st meridian from Mount Elias to the Arctic Ocean.

298 The northern section presents comparatively little difficulty, the difference between the surveys made by either side varying only from 600 to 6 feet. It was agreed by a Convention of the 31st January, 1897, that certain points should be fixed midway between the two surveys, and that joint surveys should be carried out as occasion might require to connect these points, until the entire line should in time be laid down.

With regard to the southern portion, however, wide divergence exists between the views of the two Governments. From Portland Channel to Glacier Bay there is no such continuous range of mountains running parallel to the coast as the terms of the Treaty of 1825 appear to contemplate. That Treaty, again, provides that the line should be parallel to the sinuosities of the coast, and that it should never exceed

he distance of ten leagues from the Pacific Ocean. Considering the umber and size of the projections and indentations along the coast, it vould be difficult to trace the boundary according to the Treaty.

The Convention with the United States Government of 1892 pro-ided for the appointment of a Joint Commission to ascertain the facts nd data necessary for the permanent delimitation of the boundary-ine, and the High Contracting Parties agreed to proceed to consider nd establish the line as soon as practicable after the Report of the Commission should have been received. The period fixed for the com-letion of the surveys and the presentation of the final Reports was xtended by a supplementary Convention in 1894, and the Commis-ioners submitted a Joint Report with maps on the 31st December, 895. This Report contained no recommendations for the determina-ian of on equitable settlement, and no further discussions have taken lace as contemplated in the Convention of 1892.

Proposals for a reference of the question to an Arbitration Commis-ion of legal experts were recently made by Her Majesty's Government, ut were not definitely accepted by the United States Government, hough the United States Secretary of State authorized Her Majesty's mbassador in April last to state that the question of arbitration was nder the consideration of the two governments.

About the same time difficulties were apprehended in consequence f the action of an United States officer at Dyea, who requested the anadian officials to cease exercising jurisdiction at the summits of the asses at the head of the Lynn Canal and at Lake Lindeman, and it as suggested that, pending the discussion of the question, the water-hed at the summits of the passes should be adopted, as a provisional ine, and to this the United States Government have agreed.

This arrangement was, in fact, a temporary recognition of the *status uo*, and was only suggested with a view of avoiding the risk of con-ict, which the rash action of an over zealous officer on either side ight have provoked. But, as the line thus adopted is more than 100 miles from the ocean, Her Majesty's Government cannot reasonably e expected to continue to accord it provisional recognition for an ndefinite period, and, pending a definite settlement of the question, a rovisional line more in accordance with the treaty stipulations should e adopted, which will allow the occupation by Canada of one at least f the ports on this inlet.

There are two special reasons for an early delimitation of this part f the boundary. In the first place, owing to the discovery of the Klondyke gold-fields, there has already been a large influx of miners nd others into the territory, to which access lies mainly through the trip. The necessity of establishing a Customs frontier on the inlets f the coast is, therefore, obvious. In addition to this consideration, here is the fact that the whole of the strip of Alaska bordering on he Pacific is believed to be auriferous. Prospectors are already at ork in many places, and companies have for some years been mining t Juneau and other places near the entrance to the Lynn Canal and n the adjacent islands. If gold should be found in large quantities t points in disputed territory serious difficulties may ensue, and Her Majesty's Government therefore consider that steps should be taken s early as possible for arriving at an agreement as to the intention of he parties to the Treaty of 1825 as to how the boundary line along he strip from Portland Canal to Mount St. Elias should be drawn.

Her Majesty's Government are content to leave it to the discretion and judgment of the Commissioners to devise some machinery for this purpose, but, for the reasons above stated, they think it desirable that if possible the Joint Committee should in any case agree upon some provisional arrangement for fixing a temporary line on the various inlets and rivers traversing the strip, and also at any other point at which disputes may arise, pending a final settlement of the question and a complete delimitation of the frontier.

They have only to remark that the boundary-line must, in the first instance, be sought in the mountains which border the coast, and that the important condition that the line is nowhere to exceed ten marine leagues from the ocean governs it throughout.

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No. 44.

The Marquis of Salisbury to Sir J. Pauncefote.

No. 191.] FOREIGN OFFICE, *July 22, 1898.*

SIR: With reference to recent correspondence relative to the appointment of a Joint Commission for the adjustment of all questions
299 in dispute between the United States and the Dominion of Canada, I transmit to your Excellency herewith for your information a copy of the instructions which I have addressed to Her Majesty's High Commissioners.

Further copies are also enclosed for communication to the United States Government in fulfilment of the engagement that each Government should communicate to the other a memorandum dealing with the subjects mentioned in the protocol of the 30th May.

In transmitting these copies to the Secretary of State, your Excellency should state that Her Majesty's Government will be glad to receive as soon as possible the corresponding instructions given to the United States Commissioners, or a memorandum containing the views of the United States Government on the various questions to be discussed.

I am, &c. (Signed) SALISBURY.

No. 64.

Sir J. Pauncefote to the Marquis of Salisbury.

No. 250.] NEW LONDON, CONNECTICUT, *August 9, 1898.*
(Received August 19th.)

MY LORD: On the receipt of your Lordship's dispatch No. 191 of the 22nd ultimo, I communicated to the United States Government in compliance with your Lordship's directions copies of the instructions issued by Her Majesty's Government to Her Majesty's High Commissioners in the Joint Commission for the adjustment of questions at issue between Canada and the United States; stating that Her Majesty's Government should be glad to receive as soon as possible the corres-

onding instructions given to the United States High Commissioners, r a memorandum containing the views of the United States Governnent on the various questions to be discussed.

I have now the honour to transmit to your Lordship copies of a nemorandum which has been communicated to me by the United tates Secretary of State, containing in compliance with the stipulaions of the protocol of the 30th May last, the views of the United tates Government on the various subjects set forth in that protocol. n forwarding this memorandum to me Mr. Day stated that it would onstitute the instructions given to the American Commissioners especting subjects to come before the Joint Commission.

I have, &c.

(Signed) JULIAN PAUNCEFOTE.

[Inclosure in No. 64.]

Memorandum on the Part of the United States Government containing its Views on the Subjects set forth in the Protocol, signed May 30, 1898, between the Representatives of the United States and Great Britain.

* * * * * * *

III.

THE DELIMITATION AND ESTABLISHMENT OF THE ALASKAN BOUNDARY.

This topic has already been the subject of conventional arrangements, and the eport of the Joint Commission is now available, and has made it possible for the wo Governments to carry out the stipulation of the last clause of Article I of the reaty of the 22nd July, 1892, to "proceed to consider and establish the boundary n question." The Government of the United States will expect the Joint High ommission to seek to execute this stipulation by an agreement as to the boundary s fixed by the Anglo-Russian Treaty of 1825, and by the American-Russian Treaty f 1867, and, as far as possible, to delineate the same upon proper maps; and, further, o provide for the fixing of boundary marks by a Joint Commission to be hereafter ppointed. This Government has no reason to anticipate any other than a definite nd satisfactory settlement of this important question by the Joint High Commission.

REPORT OF BUREAU OF ENGINEERS REFERRED TO BY MR. HAY IN HIS DESPATCH TO LORD PAUNCEFOTE, FEBRUARY 28, 1902.[a]

[Senate Document No. 19, 54th Congress, 2nd Session.]

PRELIMINARY EXAMINATION OF PORTLAND CHANNEL, ALASKA.

DECEMBER 14, 1896.—Referred to the Committee on Commerce and ordered to be printed.

The Vice-President presented the following Letter from the Secretary of War, in response to Senate Resolution of December 9 calling for the Preliminary Survey of the Portland Channel, in the Territory of Alaska.

WAR DEPARTMENT,
Washington, D. C., December 11, 1896.

SIR: In response to the resolution of the Senate, dated December 9, 1896, directing the Secretary of War to "send to the Senate the report of the preliminary survey of the Portland Channel, in the Territory of Alaska," the report of Captain D. D. Gaillard, Corps of Engineers, United States Army, on the subject is transmitted herewith.

Very respectfully,

DANIEL S. LAMONT, *Secretary of War.*

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., November 14, 1896.

SIR: I have the honour to submit the accompanying copy of letter of November 3, 1896, from Captain D. D. Gaillard, Corps of Engineers, enclosing his report of results of preliminary examination of Portland Channel (Canal) Alaska.

The duty assigned Captain Gaillard has been performed in a prompt and very satisfactory manner, and his unusually interesting report is submitted for such action as may be deemed proper in the judgment of the Secretary of War.

Very respectfully, your obedient servant,

W. P. CRAIGHILL,
Brig. Gen., Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

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[a] See page 294.

reliminary Examination of Portland Channel (Canal), Alaska, and Construction of Storehouses on its Banks.

OFFICE OF THE WASHINGTON AQUEDUCT,
Washington, D. C., November 3, 1896.

GENERAL: I have the honour to submit the following report, in ıplicate, upon the preliminary examination of Portland Channel anal), Alaska, and the construction of the storehouses on its west ınk, as directed by Department letter of August 17, 1896.

United States Coast and Geodetic Survey Chart, No. 8100, covers ıe localities mentioned in the report. Two copies of this chart, on ıch of which have been platted the locations of the storehouses, are ›rwarded by the same mail.

Very respectfully, your obedient servant,

D. D. GAILLARD,
Captain, Corps of Engineers.

Brig. Gen. W. P. CRAIGHILL,
Chief Engineers, U. S. A.

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reliminary Examination of Portland Channel (Canal), South-East Alaska.

GENERAL DESCRIPTION.

Portland Canal, named by Vancouver in 1793, forms a part of the ›undary line between British Columbia and South-east Alaska, and :tends in a generally northerly direction for a distance of about 96 iles, measured along the axis of the channel. For about 25 miles om its mouth the average width is about 3½ miles, and the average id-channel depth about 244 fathoms. For the remaining distance of 71 miles to the head of the canal the width is remarkably uni-1 form, and varies but little from about 1½ miles, while the average mid-channel depth is about 137 fathoms. The least mid-annel depth at any point of the canal until the head is reached is 52 thoms.

* * * * * * *

On April 29, 1868, a military post, Fort Tongass, was established at ›ngass and garrisoned by about 3 commissioned officers and 50 listed men of Battery E, Second Regiment of Artillery, until Octo-r 7, 1870, when the post was abandoned.

* * * * * * *

(The portions of the Report omitted in this place are devoted to an count of the resources of the region adjacent to the Portland Canal, d also remarks on the climate, which do not bear on the present scussion.)

* * * * * * *

CONCLUSIONS.

It may be stated, in summing up the results of the preliminary :amination of Portland Canal, that it is a beautiful sheet of water ith bold, well-defined shores, and a least mid-channel depth of 312

feet, and is remarkably easy to navigate, but the depth of water is s great that there are but few safe anchorages available.

No United States vessels, except those connected with surveys, no navigate Portland Canal.

There are no permanent inhabitants on the Alaska shore of the canal and the only industries carried on there are hunting, trapping, and th smoking of a comparatively small number of salmon, principally b Indians. The latest chart issued by the United States Coast and Geo detic Survey of Portland Canal and its vicinity was entirely satisfac tory for all purposes of navigation, although neither the captain o the *Manzanita* nor the pilot had ever navigated the canal before. Th description of triangulation stations along Portland Canal and thei geographical positions, kindly furnished by the Superintendent of th United States Coast and Geodetic Survey, were so complete that n trouble, except in a single instance, was found in recovering an desired station, although some of them had been established ove eight years before and were now marked only by a small cross cut i the rocks.

REPORT UPON THE CONSTRUCTION OF STOREHOUSES ON PORTLAN CHANNEL (CANAL), SOUTH-EAST ALASKA.

Orders and instructions directing me to proceed to Portland Channe (Canal), Alaska for the purpose of making a preliminary examinatio of the same and of constructing four storehouses on its western ban were received just before noon on August 17, 1896, and I left Wash ington, D. C., that night for Seattle, Wash., via Portland, Oreg., th stop at the latter place being necessary to consult with Capt. W. L Fisk, United States Corps of Engineers, engineer of the Thirteent light-house district, in reference to the light-house tender *Manzanita* which had been ordered to be placed at my disposal at Seattle, Wash. for the transportation of myself, labourers, and materials from tha point to Alaska and return.

I arrived in Portland on the morning of August 24, 1896, conferre with Captain Fisk, and left on the afternoon of the same day fo Seattle, where I arrived at midnight and found the *Manzanita* awaitin me, provisioned for the trip and with her coal bunkers filled. Con versation with her efficient commander, Capt. William E. Gregory and inquiries made in Seattle showed that, unless enough coal for th entire trip could be carried from Seattle, serious inconvenience an delay would result, as no coal could be purchased in Alaska neare than Juneau, distant about 400 miles from the head of Portland Canal

By advice of Captain Gregory I purchased 500 sacks, which wer filled with coal and stored in the stern and along the gangways. This with the coal in the bunkers and an extra supply carried in the hol and on the forward deck, gave a total supply of 135 tons, which wa judged sufficient for the round trip, and was all that could be taken.

The period from August 25 to 28 inclusive was spent in securin the services of a skilful pilot for the inland route between Seattle an Portland Canal, a transitman to assist in the supervision of operation and to assume charge in case I should be disabled from any cause, a assistant quartermaster (for a part of the time only), four masons four carpenters, four cooks, four mason's assistants, and eight labour ers, subsistence stores, medicines, tentage, cooking and table utensils tools, and building materials (cement, lumber, shingles, nails, &c.)

r the four storehouses to be constructed on the Alaska side of ɔrtland Canal.

All stores were loaded on board the *Manzanita* on the afternoon of ugust 28, and at 6.15 a. m. on the 27th, in a heavy fog, she sailed r Portland Canal, at the mouth of which she arrived at 7 p. m. on ɛptember 1, having anchored during the nights of August 30 and 31, order to give the pilot much-needed rest.

The head of Portland Canal was reached at 5 p. m. on September 2, ıd the site of storehouse No. 4, at Eagle Point, north-east of the outh of the Salmon River, on the west bank of Portland Canal, was lected on the same afternoon.

The regular working party, consisting of one mason, one carpenter, ıe cook, one mason's helper, and two labourers, provided with tent- ɛe and tools, was landed on the following morning in a pouring rain, ıd by noon the tents were pitched and ready for occupancy, much earing of brush and cutting of timber having been found necessary ɛfore they could be erected. Building materials and subsistence ores were landed during the afternoon and stored in the tents without injury from the rain.

)2 We left the head of Portland Canal at 6 a. m. on September 4, and arrived at Halibut Bay at 11.30 a. m., selected the site of orehouse No. 3 on the west side of the bay, north of the mouth of a ɛek, and erected tents for the party in a pouring rain on the same ternoon. The working party, materials and provisions were landed ı the following morning and excavation for the foundation of the orehouse was at once begun.

Previous investigation having shown that there was little probability ! finding sand for use in the construction of the masonry of store- ɔuses Nos. 1 and 2 near their sites, September 5 and 7 were spent in ling 357 sacks with sand, carrying them about 1½ miles in small ɔats to the *Manzanita*, and loading them on board.

We left Halibut Bay at 5 a. m. September 8, and arrived at Lizard ove, Pearse Island, at 7.45 a. m., selected the site of storehouse No. at the head of the cove just south of Lizard Point, Pearse Island, nded party, pitched tents, excavated foundation for storehouse, nded building materials, provisions, and 135 bags of sand, and sailed ɔr "Manzanita Cove," north of Red Cliff Point, Wales Island, at 30 p. m., arriving there at 6 p. m., and selecting the site for store- ɔuse No. 1 at the head of a small cove opening into "Manzanita ove," about 250 yards west of Red Cliff Point.

We landed the working party for storehouse No. 1 at 6.30 a. m. eptember 9, in rain, and during the day pitched tents and landed ıaterials, provisions, and 222 bags of sand. The storehouses were ɛated with the view of permitting the safe approach of a small boat ı the vicinity at high tide, except in severe storms, and of affording ıchorage at a reasonable distance under ordinary conditions of weather ı large vessels, from which stores could be discharged. This latter ɔndition, however, could not be fulfilled at Lizard Cove nor at any ɛher point to be found on the east side of Pearse Island.

DESCRIPTION OF STOREHOUSES.

Storehouse No. 1.—This storehouse is situated on "Manzanita Cove," Vales Island, about 250 yards west of Red Cliff Point. The walls are f rubble masonry, laid with Portland cement mortar. The founda-

tion walls are 24 inches thick and the side walls 18 inches. Its interi dimensions are 10 feet by 15 feet by 7 feet 5 inches in the clear, and is surmounted by a gable roof with a pitch of 2 on 3, covered wi cedar shingles. At one end of the building is a door 3 feet by 6½ fe in the clear, and at the opposite end a window 2 feet by 3 feet in t clear. The floor is of 1-inch boards. On the corner of the house, the left of the door and about 3 feet above the foundation, is a dress stone with a face 8 inches by 24 inches, set flush with the wall, which is neatly cut the inscription:

U. S. PROPERTY.
DO NOT INJURE.

This storehouse contains 31.6 cubic yards of masonry. It was co menced on September 9 and completed on September 28. About ft. to the right of the storehouse is a flagstaff 60 ft. in height and in. in diameter at the base, made by trimming and dressing a straig spruce tree. On this staff is carved:

U. S.
SEPT.
12th,
1896.

the date on which the United States 4 ft. 9 in. by 8 ft. "storm flag was first hoisted, which was done with a salute, three cheers, a uncovered heads. This flag was kept flying during the day until t party left "Manzanita Cove" on September 28.

Storehouse No. 2.—This storehouse is situated at the head of t cove just south of Lizard Point, Pearse Island, South-east Alask The walls are of rubble masonry laid with Portland cement morta The foundation walls are 24 in. thick and the side walls 18 in. I interior dimensions are 10 by 15 ft. by 7 ft. 5 in. in the clear, and is surmounted by a gable roof with a pitch of 2 on 3, covered wi cedar shingles. At one end of the building is a door 3 by 6½ ft. the clear, and at the opposite end a window 2 by 3 ft. in the clea The floor is of 1-in. boards. On the corner of the house to the left the door and about 3 ft. above the foundation is a dressed stone wi a face 8 by 24 in., set flush with the wall, on which is neatly cut t inscription:

U. S. PROPERTY.
DO NOT INJURE.

This storehouse contains 31.8 cubic yards of masonry. It was co menced on September 8 and completed on September 28. About 15 f to the left of the storehouse and the same distance in the rear is a fla staff, about 60 ft. in height and 14 in. in diameter at the base, made trimming and dressing a straight spruce tree. On the staff is carve

U. S.
SEPT.
14th,
1896.

the date on which the United States 4 ft. 9 in. by 8 ft. "storm flag was first hoisted, which was done with a salute, three cheers, a uncovered heads. This flag was kept flying during the day until t party left Manzanita Cove on September 28.

Storehouse No. 3.—This storehouse is situated on the west side Halibut Bay, and is of rubble masonry laid with Portland ceme

tar, with foundation walls 24 in. in thickness and side walls 18 in. thick. Its interior dimensions are 10 by 15 ft. by 8 ft. in the clear, and it is surmounted by a hip roof with a pitch of 2 on 3 and a 5-ft. ridge. This roof is covered with cedar shingles. ne end of the building is a door 3 by 6½ ft. in the clear, and at the osite end a window 2 by 3 ft. in the clear. The floor is of 1-in. ds. On the corner of the house to the left of the door and about above the foundation is a dressed stone with a face 8 by 24 in., flush with the wall, on which is neatly cut the inscription:

U. S. PROPERTY.
DO NOT INJURE.

his storehouse contains 38.3 cubic yards of masonry. It was com- ced on September 5 and completed on September 26, 1896. About t. in front of the storehouse is a flagstaff of cedar 50 ft. in height 9 in. in diameter at its base, on one side of which is carved "U. S.," on the other "Sept. 7, 1896," on which date a 4 ft. 9 in. by 8 ft. ted States "storm flag" was first hoisted, which was done with a te, three cheers, and uncovered heads. This flag was kept flying ng the day until the party left for Halibut Bay on September 26.

torehouse No. 4.—This storehouse is situated at Eagle Point, near head of Portland Canal, and is of rubble masonry laid with Port- l cement mortar, with foundation walls 18 in. in thickness and side s 12 in. thick. Its interior dimensions are 10 by 15 ft. by 8 ft. in clear, and it is surmounted by a hip roof with a pitch of 2 on 3 and ft. ridge. This roof is covered with cedar shingles. At one end he building is a door 3 by 6½ ft. in the clear, and at the opposite a window 2 by 3 ft. in the clear. The floor is of 1-in. boards. On corner of the house to the left of the door, and about 3 ft. above foundation, is a dressed stone with a face 8 by 24 in., set flush n the wall, on which is neatly cut the following inscription:

U. S. PROPERTY.
DO NOT INJURE.

his storehouse contains 23.2 cubic yards of masonry. It was com- ced on September 4 and completed on September 21, 1896. About t. to the left of the storehouse is a flagstaff formed by trimming dressing a spruce tree 35 ft. in height and 12 in. in diameter at base. On this staff is carved:

U. S.
SEPT.
14th,
1896.

hich date a United States "storm flag" 4 ft. 9 in. by 8 ft. was first ted, which was done with a salute, three cheers, and uncovered ls. This flag was kept flying during the day until the party left le Point on September 21.

he four storehouses are neatly and strongly built, and would make fortable quarters for small parties.

rom inquiries made on the subject it seems probable that they are first buildings of stone masonry ever erected in Alaska.

he doors and windows are of double thickness of inch boards, the er course vertical and the outer diagonal.

In each of the buildings are stored cement, tools, rope, cooking uten sils, &c., for the use of future parties, and in each, except No. 4, a ft. 9 in. by 8 ft. United States "storm flag." The plates, pans, cups knives, forks, spoons, &c., necessary for the use of the employee on the return voyage from Alaska were stored with Captain Harr Taylor, United States Corps of Engineers, at Seattle, Wash., wit whom was also left one complete set of storehouse keys, the other se being here in my possession.

Sand for storehouse No. 1 was obtained from a point 40 miles distant and for No. 2 from a point 30 miles distant. That for No. 3 was loade on rafts in the vicinity at low tide and floated near the site of the store house at high tide.

Stone for storehouses Nos. 1, 2, and 3 was obtained by breaking u boulders, loading them on rafts, and floating them as near as possibl to the sites of the storehouses. Stone for storehouse No. 4 was quar ried from a ledge of excellent granite in the immediate vicinity.

All building materials, provisions, &c., amounting to a total o about 270 tons, had to be carried in handbarrows over ground whic generally afforded bad footing.

By 5.15 p. m. on September 28, the parties were all once more o board the *Manzanita*, which left for Mary Island for the purpose o getting mail at 5 a. m. September 29th, and arrived there at 9.40 a. m the same day. Here the first newspapers seen in over a month wer received and much enjoyed.

September 29 to October 4 were spent *en route* to Seattle, whic was reached at 10 a. m. on the latter date with the entire party i good health from start to finish—a source of great satisfaction, as had experienced much anxiety regarding the health of the fifty per sons (including the crew of the ship) under my charge, knowing tha no physician could be obtained within several hundred miles of Port land Canal.

The party was disbanded at Seattle on October 4th, and paid off o the next day.

I left Seattle for Washington, D. C., on October 10th, and arrived i Washington on October 17th, exactly two months from the date of leav ing the latter place, and after a total journey of over 9,000 miles

304 In conclusion, I beg to acknowledge my great indebtednes to Capt. William E. Gregory, the efficient commander of th *Manzanita*, who, with his officers and the entire crew, did everythin to facilitate work and to render my party comfortable.

To Capt. J. E. Lennan, pilot, and to Mr. A. G. Mosier, instrumen man, I am indebted for efficient and cheerful performance of thei respective duties.

Respectfully submitted.

D. D. GAILLARD,
Captain, Corps of Engineers.

WASHINGTON, D. C., *November 3, 1896.*

* * * * * * *

(Appendix A, which relates to certain meteorological phenomena, i not printed here as not bearing on the case.)



)5

)DUS VIVENDI BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, AND THE UNITED STATES OF AMERICA, FIXING A PROVISIONAL BOUNDARY LINE BETWEEN THE DOMINION OF CANADA AND THE TERRITORY OF ALASKA ABOUT THE HEAD OF LYNN CANAL.

)ncluded by an exchange of notes October 20th, 1899, by Reginald Tower, Charge d'Affaires of Her Britannic Majesty at Washington, and John Hay, Secretary of State of the United States.

It is hereby agreed between the Governments of the United States ıd of Great Britain that the boundary line between Canada and the erritory of Alaska in the region about the head of Lynn Canal shall ; provisionally fixed as follows, without prejudice to the claims of ther party in the permanent adjustment of the International)undary:—

In the region of the Dalton Trail, a line beginning at the peak west ! Porcupine Creek, marked on the map No. 10 of the United States ommission, December 31st, 1895, and on sheet No. 18 of the British ommission, December 31st, 1895, with the number 6500; thence ınning to the Klehini (or Klaheela) River, in the direction of the eak north of that river, marked 5020 on the aforesaid United States ıap, and 5025 on the aforesaid British map; thence following the igh or right bank of the said Klehini River to the junction thereof ith the Chilkat River, a mile and a half, more or less, north of .lukwan; provided that persons proceeding to or from Porcupine reek shall be freely permitted to follow the trail between the said reek and the said junction of the rivers, into and across the territory on ıe Canadian side of the temporary line wherever the trail crosses to ıch side, and subject to such reasonable regulations for the protec- on of the revenue as the Canadian Government may prescribe, to ırry with them over such part or parts of the trail between the said oints as may lie on the Canadian side of the temporary line, such oods and articles as they desire, without being required to pay any ustoms duties on such goods and articles; and from said junction) the summit of the peak east of the Chilkat River, marked on the foresaid map No. 10 of the United States Commission with the num- er 5410, and on the map No. 17 of the aforesaid British Commission ith the number 5490.

On the Dyea and Skagway Trails, the summits of the Chilko
White Passes.

It is understood, as formerly set forth in communications
Department of State of the United States, that the citizens or su
of either Power, found by this arrangement within the temp
jurisdiction of the other, shall suffer no diminution of the righ
privileges which they now enjoy.

The Government of the United States will at once appoint an
or officers in conjunction with an officer or officers to be named
Government of Her Britannic Majesty, to mark the temporar
agreed upon, by the erection of posts, stakes, or other appro
temporary marks.

6

:CLARATION FROM WILLIAM WARE, ESQ., SECRETARY OF THE HUDSON'S BAY COMPANY, AS TO THE VARIOUS RENEWALS OF THE LEASE FOR COMMERCIAL PURPOSES FROM THE RUSSIAN-AMERICAN COMPANY TO THE HUDSON'S BAY COMPANY OF CERTAIN TERRITORY ON THE NORTH-WEST COAST OF AMERICA.

I, William Ware, of Hudson's Bay House, Lime Street, in the City London, do solemnly and sincerely declare—

1. That I am the Secretary of the Hudson's Bay Company.

2. That the original of an Agreement dated the 26th January (6th bruary), 1839, between Sir George Simpson for the Hudson's Bay mpany and Baron Wrangel for the Russian-American Company, r the lease for commercial purposes of territory on the North-West ast of America, is in the possession of this Company.

3. That from letters and minutes in the possession of this Company appears that the above-mentioned arrangement was continued from 39 till the 31st May, 1867.

4. That in the minutes of a meeting of the Board of this Company, ld on the 21st May, 1867, there is the following entry:—

'Read—A letter from the Russian-American Company, dated St. Petersburgh, ril 18th (May 10th), 1867."
'Ordered—That they be informed that the occupation of the Stikine country by Company and their liability under the lease must cease on the 31st May."

5. That I am having search made for the letter above referred to, t that it has not yet been found.

And I make this solemn declaration conscientiously believing the ne to be true and by virtue of the provisions of "The Statutory clarations Act, 1835."

(Signed) W. WARE.

Declared at No. 10, Billiter Square, in the City of London, this 22nd y of April, 1903, Before me,

(Signed) ARTHUR E SAVILL,
A Commissioner for Oaths.

DECLARATION OF WILLIAM FREDERICK KING, ESQ., OF THE CITY (OTTAWA, IN THE DOMINION OF CANADA, CHIEF ASTRONOMER OF TI DEPARTMENT OF THE INTERIOR, OF CANADA, IN REGARD TO TI TOPOGRAPHY OF THE COAST STRIP ALONG THE BOUNDARY BETWEI CANADA AND ALASKA.

CITY OF LONDON, *to Wit.*

I, William Frederick King, of the City of Ottawa, in the Dominic of Canada, do solemnly and sincerely declare:—

1. I am the Chief Astronomer of the Department of the Interic Dominion of Canada.

2. I was the British Commissioner under the Treaty of 1892, betwe Great Britain and the United States, which provided for a joint surv being made to ascertain facts and data upon which to determine t boundary between Canada and Alaska.

3. The result of my work, as such Commissioner, was embodied a report duly made in pursuance of the said Treaty of 1892, and ma accompanying said report.

4. I have a considerable personal acquaintance with the topograpl of the territory which is in dispute between Great Britain and t United States as a result of my work as such Commissioner, and oth personal examinations which I have made of said coast.

5. With the aid of such knowledge, and in the light of the inform tion derived from the work of said survey, I have drawn the annex description of the topography of the said territory marked A.

6. The said description is, to the best of my knowledge, a fair a correct description of the territory purporting to be therein describe

7. In the document hereto annexed, marked B, I have drawn description of the line claimed by Great Britain, applying the pri ciples upon which Great Britain concludes the line should be draw to the topography as I know it from personal knowledge and the resu of the survey above mentioned.

And I make this solemn declaration, conscientiously believing t same to be true, and by virtue of the provisions of "The Statuto Declarations Act, 1835."

Declared at 13, Bouverie Street, in the City of London, this 27 day of April, A. D. 1903.

W. F. KING.

Before me,

WEBSTER BUTCHER,
A Commissioner to Administer Oaths

Exhibit A to declaration of William Frederick King.

(Webster Butcher, a Commissioner to Administer Oaths.)

DESCRIPTION OF COAST TOPOGRAPHY.

Throughout its entire length, from the 56th parallel to Lynn Canal, he coast is bordered by mountains 3,000 to 5,000 feet in height, hav- ng rocky peaks and ridges. Their summits average 5 or 6 miles in istance from the sea, and in many places they approach even nearer. 'hese mountains preserve for considerable distances much uniformity f height, and also of direction, forming elongated mountain masses ying with their lengths parallel to the general line of the coast. Pen- trating inlets and valleys separate these mountain masses from one nother, but without greatly disturbing their continuity of direction.

They are fronted on the seaward side by wooded hills, rising from he shore to heights varying from a few hundred to 2,000 feet or more. 'hese foothills slope off into points (such as Point Fitzgibbon, at the outh of Burroughs Bay; Point Warde, at the mouth of Bradfield nlet, and many others), and are cut by many bays and harbours, which ive the coast line the irregular outline shown on the charts. The ountains, however, keep a much more regular course. Their line of eparation from the foothills is frequently not very well marked— ese last, in fact, forming the seaward face, or slope, of the moun- ins. Along the northern part of the coast the foothills often vanish lmost entirely, and the rocky summits rise from the sea. These ountains are separated from the interior ranges by usually well- efined depressions.

A remarkable feature of the inland topography is the vast ice-fields lling the valleys of the mountains to the rear, and overflowing in arious directions to the outlet valleys of rivers and inlets.

One of these ice-fields lies to the north-west of the head of Portland 'hannel, about 15 miles away; it discharges by glaciers both into val- ys leading into the head of Portland Canal, and into the Chickamin and Unuk Rivers, and thence into Behm Canal.

08 In like manner, a very extensive ice-field, lying to the west of the Stikine River, discharges by the Great Glacier and other laciers towards the east, to the Stikine, and to the west by Le Conte lacier, Baird Glacier (to Thomas Bay), and Dawes Glacier (to Endi- ott Arm of Holkham Bay).

To the east of the southern part of Lynn Canal lies another ice-field hich discharges by the Foster Glacier into Taku Inlet, also, further orth, by other glaciers, to tributaries of the Taku River, and by the endenhall and other glaciers to Lynn Canal and the passage leading ereto. This ice-field also discharges by the streams flowing into erner's Bay.

A large ice-field lying to the north and north-east of Glacier Bay ischarges into the Takhin River (a tributary of the Chilkat), also in art into Alsek River. The greatest flow of this ice-field is, however, ito Glacier Bay, by many large glaciers, which, though bearing dif- erent names at their different outlets to the sea, are, properly speak- ig, one and the same. The best known of these outlets is the most asterly (so far as Glacier Bay is concerned), Muir Glacier.

Muir Glacier also discharges at its south-eastern corner into Endi- ott River, which finds its way by a very direct course, with a fall of ss than 1,000 feet, through the mountains to Lynn Canal.

The eastern side of the ice-field also discharges into Lynn Canal by Davidson Glacier.

We have in these cases large mountain masses adjacent to the coast, and cut off from the interior mountains by ice-filled valleys.

The ice-fields naturally approach nearer the shore in the northern part of the region under consideration than in the southern. South of Taku Inlet, they are found a considerable distance inland, but the topography between them and the coast suggests irresistibly a glacial origin for the valleys, similar to that which has, at Glacier Bay, cut the long inlet separating Fairweather Range from the mountains to the east of the bay, and has cut out the valley of Endicott River.

This common glacial action accounts for the general regularity of the conformation of the mainland (and also of the adjacent islands of the archipelago). The mountainous coast region has at one time doubtless been covered with ice, which has, in course of time, forced its way through the mountains to the sea, forming the valleys of the inlets and rivers. These valleys will be seen by the map to be closely perpendicular to the general line of the coast. The ice, in flowing out by these passages, would also flow from either side into the valleys, grooving lateral valleys at right angles to them.

Thus arise the above referred to elongated mountain masses which lie parallel to the general line of the coast. Such a mountain mass will be found to be separated from the mountains behind it by a depression, in which the streams flowing to the main valleys on either side take their rise.

Hence a line following mountain summits parallel to the general line of the mainland is possible, subject only to the breaks caused by inlets and river valleys, which breaks are comparatively short compared to the lengths of the continuous lines of the mountain summits.

On the contrary, were it attempted to follow the summits of the mountains in a direction parallel to the shores of inlets, the line would, as soon as it passed inland from the general coast, encounter a succession of ends of comparatively narrow mountain ridges running at right angles to the course of the line, from each of which to the next it would have to pass by springing over intervening valleys. Conformably to the requirements that the mountain boundary of the coast strip shall follow, in a direction, as nearly as may be, parallel to the general line of the coast, the summits of the mountains nearest thereto, and that mountains are to be distinguished from hills by the fact of their peaks rising above the timber line, the mountains along which the boundary should follow will be selected by, at each point, proceeding inland until the nearest summits of such character are reached, passing over the intermediate hills or spurs, to seek the ridge of the mountain mass, whereby the line may be carried along a well-defined crest. Where the crest is broken by a valley of considerable depth, the general parallelism of the line to the coast will be preserved by carrying it across the break by a straight line.

It should be remarked that, while the preceding remarks apply particularly to the coast from the 56th parallel to Lynn Canal, there is also to the west of Cape Spencer, a repetition of the parallelism of the mountains to the coast, in the massive Fairweather Range. These mountains rise almost immediately from the ocean shore to a high and continuous range several thousand feet in height. Beyond, across the Alsek River, are the Mount St. Elias Alps, also of great height, but further from the shore. The survey of this range by the Commissions

under the Convention of 1892 was imperfect. The accurate investigation of the topography was resumed near Yakutat Bay.

Between Lynn Canal and Cape Spencer, Icy Strait cuts in nearly perpendicular to the ruling N.N.W. direction of the coast, and at right angles to the valley of Glacier Bay and the general trend of the mountains. There is therefore, for the short space between Lynn Canal and Glacier Bay, an exception to the general rule of mountain ridges closely paralleling the adjacent coast. To find mountain ridges parallel to the coast it is necessary to go somewhat further back.

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309 *Exhibit B to declaration of William Frederick King.*

(Webster Butcher, a Commissioner to Administer Oaths.)

DESCRIPTION OF THE MOUNTAIN BOUNDARY OF THE LISIÈRE AS CLAIMED BY GREAT BRITAIN.

Beginning on the 56th parallel of latitude on the mountain ridge immediately south of the peak marked 4070 on sheet No. 8 of the British Commission under the Convention of 1892, in longitude 131° 42′, nearly, the boundary line follows the summit of the mountains lying between certain tributary valleys of Behm Canal and Bradfield Canal, and the hills bordering the coast; crosses the latter canal at a point about 7 miles from Point Warde; thence it follows the mountains parallel to Blake Channel and Eastern Passage to the Stikine River, crossing the latter six miles from Point Rothesay; thence along the mountain ridge lying to the south-west of the valley of Popoff Glacier and of the southerly tributary valleys of Le Conte Glacier; thence it crosses Le Conte Bay, near its head, to the mountains lying to the south-west of the ice-field which feeds Le Conte and Patterson Glaciers; following these mountains, and crossing Patterson Glacier near the mouth of its main branch, it proceeds along the summit of the mountains in a north-westerly direction to Thomas Bay, the northern arm of which it crosses about 2½ miles north of its south-westerly point of entrance. Thence it follows the mountains parallel to the northerly shore of Frederick Sound to the summit east of Farragut Bay. Thence it proceeds north-westerly along the mountains to the east of the valley formed by Farragut Bay and the long and narrow southerly arm of Port Houghton.

Crossing Port Houghton about 1½ miles above this arm, the line proceeds along the mountains parallel to the northerly arm of Frederick Sound, crosses Windham Bay about four miles from its mouth; thence continuing parallel to Stephens Passage (the name given to the northerly continuation of Frederick Sound from this point) it crosses Holkham Bay to the mountains lying between Stephens Passage on the west, and, on the east, the northern arm of Holkham Bay, and the southern arm of Port Snettisham and the valley connecting these arms. Crossing Port Snettisham it continues along the mountains lying between the northerly arm of the latter and Stephens Passage, and along the mountains overlooking Stephens Passage (crossing Limestone Inlet near its head) to Taku Inlet. It crosses Taku Inlet about two miles above Bishop Point, and proceeds along the summits overlooking Gastineau Channel. Thence it passes along the summits parallel to the shores of Favorite Channel and Lynn Canal, at an average distance therefrom of about six miles, until the recession of

the shores of Lynn Canal, at Berner's Bay, is reached, where the line, still following the mountains in the same general direction, approaches, at the peak marked 5210 on sheet No. 13 of the British Commission, to within two miles of the shore.

From this peak the line crosses Lynn Canal to the peak marked 3452 on sheet No. 14 of the British Commission. Thence it proceeds along the mountains which lie to the south of Endicott River, and in a general direction of parallelism to the coast, to the mountain marked 4140 on sheet No. 14, on the eastern shore of Glacier Bay, immediately to the north of the low-lying flats which border the south-eastern shores of the bay. From this peak it crosses Glacier Bay about 14 miles north of the line joining its points of entrance, Point Gustavus and Point Carolus, which points are about 3¾ miles apart.

The line on the west side of Glacier Bay follows the mountains which lie to the south-east of the south-western arm of Glacier Bay to the vicinity of Brady Glacier, across which it passes in a westerly direction to the summit marked 4275 on sheet 15. From here, northwesterly, it follows the high summits of the Fairweather Range to Mount Fairweather, and thence continues in the same general direction to Alsek River, which it crosses about twelve miles from the ocean. Thence it continues along the mountains parallel to the ocean coast at an average distance therefrom of ten miles, till it reaches Yakutat Glacier. From this point, still following the mountains, it takes a course somewhat more inland, until Mount Unana is reached. From this mountain it crosses the southern arm of Disenchantment Bay, then follows in a northerly direction the mountains lying between this arm and Yakutat Bay. It crosses Disenchantment Bay, the northerly prolongation of the latter, about six miles north of where Yakutat Bay first narrows to six miles in width. Thence it continues in a north-westerly direction along the mountains to the north of Malaspina Glacier to the peak marked 11563 on sheet No. 24, whence on a westerly course in a distance of about half a mile on a spur of the last-named peak it reaches the 141st meridian.

All distances in the above are in marine miles.

Should it be decided, contrary to the claim of His Majesty's Government, that it is necessary in this case to apply the alternative provision of Article IV of the Convention of 1825, and to draw the line across the canal ten marine leagues from the ocean, then, if the ocean is taken as ceasing at the mouth of Lynn Canal as contended for by Great Britain, the line of demarcation would still cross at much the same place, the mountain line being here in fact about ten marine leagues from that point. If, however, the contention referred to is not accepted, but the coast is regarded as ceasing at Berner's Bay, where the width of the Canal diminishes to six miles, then the line will follow,

310 from the peak 3210 on the east side of Lynn Canal, the mountains rising from its eastern shore, until the ten-league limit is reached, which will be about 1¼ miles north of Point Seduction.

On the west shore the line will pass southward along the mountains, rising from the edge of the canal until the peak 3452 is reached.

Similarly should the alternative of Article IV be applied at Glacier Bay, the line would proceed along the mountains on either shore, from the mountains 4140 and 3030 of the previous description, to the place where it would cross the bay, distant about nine miles westerly from the front of Muir Glacier, and eight miles northerly from the mouth of the south-western arm of Glacier Bay.

Table of certain of the Mountain Summits which the Line of Demarcation follows from Latitude 56° N. to Longitude 141° W.

In the following table are given:—

1. The number of the sheet of the series of maps made from the surveys of the British Commission under the Convention of 22nd July, 1892, upon which the particular summit is to be found.

2. The elevation of the summit above the sea, in feet, as marked upon the sheet. This number serves as a means of identifying the summit.

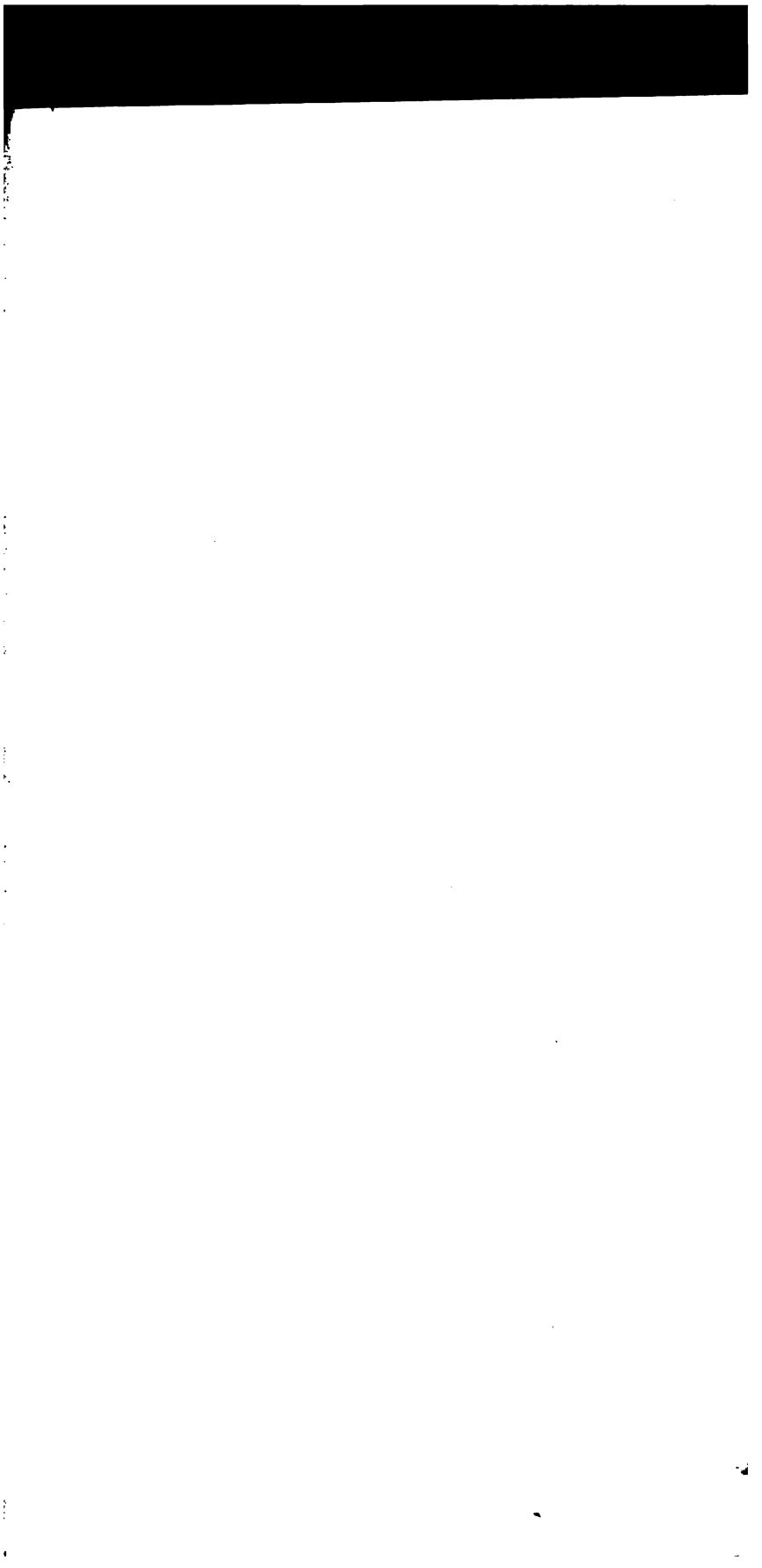
3. Where the elevation of the summit is not given on the sheet, it may be identified by the approximate latitude and longitude given in the third and fourth columns. Its elevation is also given within the limit of the contour lines of the sheets (250 feet).

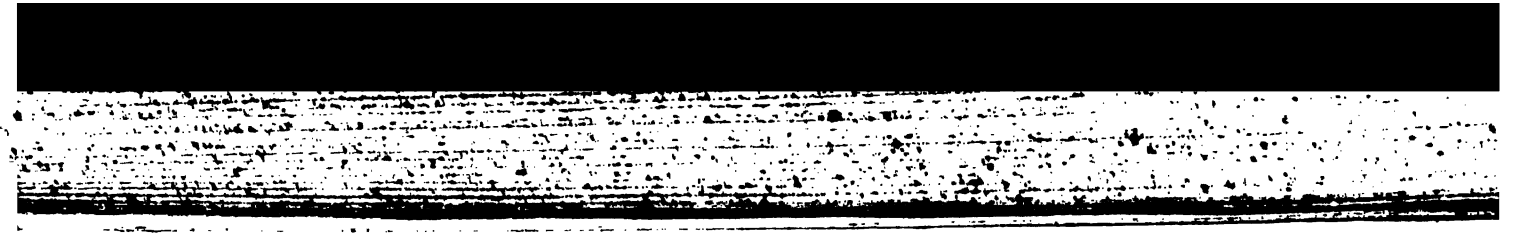
The summits are given in the table in order, beginning from the south.

	Sheet No.	Elevation.	Latitude.	Longitude.
	8	4,070		
	8	3,800		
	8	3,700		
		Here the line crosses Bradfield Canal.		
	8	3,400		
	8	4,334		
	8	3,590		
	9	4,500 to 4,750	56° 26′	132° 03′
	9	3,780		
	9	3,830		
		Here the line crosses Stikine River.		
	9	4,483		
	9	5,700		
		Here the line crosses Le Conte Bay.		
	9	3,600		
	9	5,355		
	9	5,860		
	9	5,268		
	9	4,725		
	9	4,812		
311	10	4,881		
		Here the line crosses Thomas Bay.		
	10	4,050		
	11	4,072		
	11	4,500 to 4,750	57° 13′	133° 05′
	11	4,052		
		Here the line crosses Port Houghton.		
	11	4,275		
	11	3,500 to 3,750	57° 26′	133° 16′
	11	3,210		
	11	3,250 to 3,500	57° 30′	133° 21′
	11	3,750 to 4,000	57° 33′	133° 23′
		Here the line crosses Windham Bay.		
	11	4,290		
	11	3,110		
		Here the line crosses Holkham Bay.		
	11	3,100		
		Here the line crosses Port Snettisham.		
	12	3,748		
		Here the line crosses Limestone Inlet.		
	12	3,588		
	13	3,475		
	13	3,000 to 3,250	58° 12′	134° 02′
		Here the line crosses Taku Inlet.		
	13	3,441		

	Sheet No.	Elevation.	Latitude.	Longitude.
	13	3,300		
	13	4,175		
	13	3,630		
	13	4,250 to 4,500	58° 17′	134° 18′
	13	4,071		
	13	3,500 to 3,750	58° 23′	134° 30′
	13	4,322		
	13	4,750		
	13	5,655		
312	13	6,010		
	13	5,124		
	13	5,500 to 5,750	58° 39′	134° 42′
	13	5,799		
	13	5,790		
	13	5,986		
	13	5,210		
		Here the line crosses Lynn Canal.		
	14	3,452		
	14	4,050		
	14	4,760		
	14	4,200		
	14	4,140		
		Here the line crosses Glacier Bay.		
	15	3,030		
	15	3,700		
	15	3,650		
	15	4,275		
	16	10,758, Mount La Perouse		
	16	9,550, Mount Dagelet		
	16	12,750, Mount Crillon		
	16	11,745, Mount Lituya		
	16	15,287, Mount Fairweather		
	20	5,350		
		Here the line crosses Alsek River.		
	20	3,700		
	20	3,415		
	20	3,500		
	20	4,050		
	20	4,500		
	20	3,500		
	20	4,130		
	20	3,510		
	20	3,300		
313	21	5,600		
	21	6,500 to 6,750, Mount Unana		
		Here the line crosses the southern arm of Disenchantment Bay.		
	21	4,280, Mount Tebenkoff		
	21	4,550, Mount Hendrickson		
	21	4,000 to 4,250	59° 52′	139° 30′
		Here the line crosses Disenchantment Bay.		
	21	5,000 to 5,250	59° 59′	139° 42′
	23	6,350		
	23	6,220	60° 02′	139° 50′
	23	5,500 to 5,750	60° 04′	139° 59′
	24	5,600		
	24	8,350		
	24	5,600		
	24	5,960		
	24	The summit of a mountain ridge north-west of Agassiz Glacier.		
	24	11,565 (Mountain peak one half-mile east of 141st meridian)	?	

O 8





[redacted]
3 2044

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